



Harris County, Texas

1001 Preston St., Suite 934
Houston, Texas 77002

Commissioners Court

Request for Court Action

File #: 22-1734

Agenda Date: 3/8/2022

Agenda #: 25.

Department: Human Resources and Risk Management

Department Head/Elected Official: Shain Carrizal

1st Motion

Regular or Supplemental RCA: Regular RCA

Type of Request: Policy

Project ID (if applicable): N/A

Vendor/Entity Legal Name (if applicable): N/A

Table with 3 columns: YES, NO, ABSTAIN and 5 rows of commissioner names with checkboxes.

Presented to Commissioners Court

March 8, 2022

Approve: C/R Approve as presented except for the Fair Chance Policy.

MWDBE Contracted Goal (if applicable): N/A

MWDBE Current Achievement (if applicable): N/A

Justification for 0% MWDBE Participation Goal: N/A - Goal not applicable to request

Request Summary (Agenda Caption):

Request for approval of the updated Harris County Personnel Policies and Procedures.

Background and Discussion:

The Harris County Personnel Policies and Procedures were updated to incorporate various policy and program changes implemented by Commissioners Court and other substantive updates related to changes in law or system updates.

Expected Impact:

The fiscal impact of changes made to the Harris County Personnel Policies and Procedures should be minimal. For example, costs related to allowing employees with less than 180 days of service to become eligible for Paid Parental Leave on a prorated basis, would be offset by the requirement of maintaining continuous employment for at least 180 days immediately after the expiration of approved leave.

Alternative Options: N/A

2nd Motion

Alignment with Goal(s):

- Justice and Safety
Economic Opportunity
Housing
Public Health

Table with 3 columns: YES, NO, ABSTAIN and 5 rows of commissioner names with checkboxes.

Presented to Commissioners Court

March 8, 2022

Approve: E/G Approve the Fair Chance Policy.

- Transportation
- Flooding
- Environment
- Governance and Customer Service

Prior Court Action (if any):

Date	Agenda Item #	Action Taken
N/A		

Location:

Address (if applicable): N/A

Precinct(s): Countywide

Fiscal and Personnel Summary			
Service Name	Employee Relations and Compliance		
	SFY 22	FY 23	Next 3 FYs
Incremental Expenditures (do NOT write values in thousands or millions)			
Labor Expenditures	\$	\$	\$
Non-Labor Expenditures	\$	\$	\$
Total Incremental Expenditures	\$	\$	\$
Funding Sources (do NOT write values in thousands or millions)			
Existing Budget			
1000 - General Fund	\$	\$	\$
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Total Current Budget	\$	\$	\$
Additional Budget Requested			
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Total Additional Budget Requested	\$	\$	\$
Total Funding Sources	\$	\$	\$
Personnel (Fill out section only if requesting new PCNs)			
Current Position Count for Service	-	-	-
Additional Positions Requested	-	-	-
Total Personnel	-	-	-

Anticipated Implementation Date: March 12, 2022

Emergency/Disaster Recovery Note: Not an emergency, disaster, or COVID-19 related item

Contact(s) name, title, department: Erika Owens, Director, Employee Relations and Compliance, HRRM

Attachments (if applicable): Summary of Changes and Harris County Personnel Policies and Procedures

2022 Harris County Proposed Personnel Policies & Procedures Summary of Changes

- Effective March 12, 2022.
- Revised the acknowledgement form, to include acknowledgements regarding repayment of Paid Parental Leave funds, overpayments and returning County property upon separation of employment
- Section 1: Definitions
 - Updated definitions (Active Duty, Department Head)
 - Added Fiscal Year definition
 - Deleted Model Position definition as they were terminated upon the conversion to PeopleSoft
 - Moved Hours Actually Worked (Breaks, Meal Periods, Commuting, Travel During the Workday and Out of County Travel) to Section 8.
- Section 2: Ethics – Updated section title to “Code of Conduct & Ethics, Fraud, and Confidentiality.”
 - Combined this section to include Code of Conduct statements.
 - Added verbiage regarding fraudulent behavior, conflicts of interest, investigation compliance and speaking engagements.
 - Added section on Nepotism
- Section 3: Equal Employment Opportunity – Added Fair Chance Policy to this section.
- Section 4: Non - Discrimination and Anti-Harassment
 - Added Crown Act statement.
 - Included statement regarding immediate and appropriate corrective action on reports of discrimination, harassment or retaliation due to changes in state law Labor Code 21 made by 2021 SB 45 and HB 21
 - Included statement indicating individuals designated to receive complaints under this policy are required to report the complaints to the Director of HRRM, or the designee.
- Section 7: County Property and Electronic Services Policy
 - Included a section on the annual Cybersecurity Training requirement.

- Added statement regarding returning County assets upon separation of employment.
- Added verbiage regarding confidentiality, social media and public information requests.
- Section 8: Payroll Procedures and Compensation – Updated section title to “Payroll Procedures, Time Reporting and Compensation”
 - Added statement regarding updating employee information in STARS Employee Self-Service.
 - Included statement regarding Department Head discretion to allow employees to begin active duty at any time.
 - Updated proration of pay verbiage for elected or appointed officials who vacate their positions prior to the end of their term from monthly to bi-weekly pay periods.
 - Added statement regarding the employee’s obligation to submit their work hours by the payroll deadline.
- Section 9: Group Health and Benefits
 - Reduced the benefits eligibility waiting period from 75 days to 45 days.
 - Added verbiage regarding the mandatory enrollment in the County’s Benefits plan.
 - Added statement regarding newly hired employees eligible for Medicare or enrolled in TRICARE as a retiree or active reservist in the U.S. Military may waive their benefits upon initial enrollment.
 - Updated procedures for submitting changes for coverage outside of open enrollment periods.
 - Specified effective dates for coverage and termination of benefits.
 - Added “others” to listing of eligible dependents to cover foster children or other legal custody dependents.
- Section 10: Emergency Situations
 - Removed statement “Commissioners Court is not authorized to provide Paid leave retroactively”.

- Section 11: Telework – Added new section to reflect highlights of Teleworking Policy adopted by Commissioners Court

- Section 12: Time Off & Leaves of Absence
 - Added statement regarding Department Head discretion to adopt policies prohibiting employees from performing any outside work or engaging in extra-duty employment while out on sick and family medical leave.
 - Included statement prohibiting employees from accruing negative compensatory time.
 - Included statement regarding vacation and compensatory leave balances for employees who become a department head by election, appointment or ratification by Commissioners Court, or designation by the County Administrator.
 - Floating Holiday – Added statement regarding the Department Head’s ability to adopt internal policies relating to the use of the floating holidays.
 - Added information regarding the Sick Leave Pool Program
 - Military Leave – Included a statement indicating members of state military forces called to state active duty in response to a disaster will receive up to an additional seven (7) workdays in a federal fiscal year.
 - Added information regarding Paid Parental Leave and Infant Sick Leave; included 45 and 90 day employment proration’s
 - Included statement that employees must maintain employment with Harris County for at least 180 consecutive calendar days of continuous service immediately after the expiration of approved leave, or reimburse Harris County for the Paid Parental Leave funds received.
 - Included statement that employees will not receive more than the maximum allotted amount of Paid Parental Leave in a rolling 12-month period starting from the exhaustion of the previous approved Paid Parental Leave, or the last day the employee used PPL.
 - Leave of Absence – Added statement indicating employees on LOA do not get paid for the holidays.
 - FMLA –
 - Added statement Department Heads are deemed Key employees.
 - Updated Health Care Provider definition to clarify a Chiropractor’s role under FMLA.

- Included a statement prohibiting employees from working/performing their regular job duties for Harris County or any other employer while out on FMLA leave.
- Added statement indicating employees are not permitted to receive or use Catastrophic Leave when they become eligible for workers' compensation indemnity benefits, long-term disability, or any other supplemental benefits
- Updated statement to indicate medical certifications for chronic or lifelong conditions (continuous or intermittent) are required each calendar year.
- Section 14: Separation of Employment
 - Added a statement referring departments to utilize the Manager's Reference Guide or complete Auditor's Form #3412 upon separation.
 - Updated the Summary of Benefits chart to include Sick Leave Pool, Paid Parental Leave and Infant Sick Leave.
 - Added Paid Parental and Infant Sick Leave to the footnotes.



Harris County and Harris County Flood Control District

PERSONNEL POLICIES & PROCEDURES

EFFECTIVE MARCH 12, 2022

**HARRIS COUNTY
PERSONNEL POLICIES & PROCEDURES ACKNOWLEDGEMENT**

EMPLOYEE ACKNOWLEDGEMENT FORM

Name of Employee (Print): _____ Employee ID# _____

Department: _____

**These Policies and Procedures Apply to Your Job.
Please Read Them Carefully.**

- I have received my copy of the Harris County Personnel Policies & Procedures effective March 12, 2022 or have accessed them via the internet at <https://hrrm.harriscountytexas.gov/Pages/PersonnelRegulations.aspx>.
- It is my responsibility to read and comply with the policies and procedures in this document and any revisions made to it.
- I acknowledge if I receive Paid Parental Leave and do not return to work for at least 180 consecutive calendar days of continuous service immediately after the expiration of such leave, I will repay the Paid Parental Leave funds received.
- Upon separation from Harris County, I will return all County equipment and property. Any equipment or property not returned in a timely manner will be deducted from my pay or final benefits check.
- I understand that the Auditor's office is authorized by these policies to make payroll deductions from employee's wages or salary. By my signature, below I request and authorize wage deductions from my payroll, final benefits check(s), and/or compensable accrued leave balances in the event of overpayments in my payroll, or in order to reimburse the County for equipment that I have lost through my own negligence, or have intentionally damaged, or failed to return. I understand that before any deductions occur, I will receive written notice of the specific amount owed and the amount and method of deduction.
- These policies and procedures govern my employment, and if I violate any of them, I will be subject to appropriate discipline.
- I should talk to my supervisor if I have any questions about these policies and procedures or issues not addressed in them.

Employee Signature: _____

Supervisor Signature: _____

Date: _____

**THIS FORM MUST BE COMPLETED AND SIGNED AT THE TIME OF ISSUANCE/ACCESSABILITY OF THE
EMPLOYEE HANDBOOK. A COPY OF THIS ACKNOWLEDGMENT IS TO BE PLACED IN EACH EMPLOYEE'S
PERSONNEL FILE.**

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INTRODUCTION

These Personnel Policies and Procedures apply to employees of Harris County (County) and the Harris County Flood Control District (District) and are effective March 12, 2022. This version supersedes all previous personnel regulations.

Any reference to “Harris County,” the “County,” or “we” in these Personnel Policies and Procedures means “Harris County and the Harris County Flood Control District.” The County and the District are not the same employer.

We have prepared this document to explain to you the policies and procedures related to your job and to set clear expectations. It is not all-inclusive; individual departments may adopt additional internal policies. Ask your supervisor if you have questions about this document or your department’s internal policies.

The sections about the conditions of employment and compensation and benefits apply to everyone unless stated otherwise. The remaining sections apply to everyone *unless* an elected official, appointed official, board or appointing authority adopts a different written policy. For example, if you work for an elected official, they can’t adopt a more generous vacation or sick leave policy. They could, though, adopt a more stringent policy about personal use of County equipment.

Employees have no employment tenure. Employment is at-will for an indefinite period. The County and the employee are free to terminate employment with or without notice at any time for any reason. These regulations do not constitute an employment contract or a guarantee of continued employment.

The County reserves the right to amend these Policies and Procedures unilaterally at any time, including the termination of benefits.

These Policies and Procedures do not supersede any applicable state or federal law. If a conflict exists between this document and state or federal law, the state or federal law governs. We distribute the Policies and Procedures to Department Heads who ensure that each new and current employee signs the Acknowledgement Form. They are also available via the Internet. If any ambiguity arises as to the meaning or interpretation of this document, the ambiguity is resolved in the County’s favor.



The Harris County Sheriff's Office Air Support Unit assists with foot and car chases, missing person searches, criminal surveillance, photo-reconnaissance flights and disaster relief. In addition to the pilot, every mission includes a tactical flight officer who is dedicated to police work. The TFO communicates with units on the ground and operates multiple cameras as well as the spotlight. This image was captured by Harris County Sheriff's Multimedia Specialist **Sharon Steinmann**, who works behind the scenes to create one-of-a-kind visuals for their department.

SECTION 1. DEFINITIONS

1.01 ACTIVE DUTY

The actual performance of work or duties prescribed by statute and/or assigned by the Department Head. An employee's first day of work must include active duty, or hours actually worked.

1.02 BREAK IN EMPLOYMENT

Any period of **more than 7 calendar days**, other than a valid Leave of Absence, during which a person is not employed by the County.

Example: John ends employment in Department A on June 15th. He must start actually working in Department B on June 22nd.

1.03 COMPENSATORY TIME (COMP TIME)

Paid time off provided to Employees in certain circumstances. Compensatory Time may refer to paid time off when it is being earned or when it is being used.

1.04 CREDITABLE SERVICE

The length of continuous employment with the County beginning on the date hired as a Regular Employee and continuing until the individual is no longer a Regular Employee or incurs a Break in Employment, whichever occurs first.

1.05 DEPARTMENT HEAD

Department heads are deemed Key employees, including for FMLA purposes. Department Heads are exempt employees who do not accrue vacation, compensatory time, or sick time. Only individuals who meet the following criteria are eligible for Department Head designation and status and must be:

- (i) An elected official or a person appointed to fill a vacated elected office; or
- (ii) A person whose designation as head of a department is pursuant to authority of a board or elected official separate and apart from Commissioners Court; or
- (iii) A person appointed by Commissioners Court to serve as the head of a department created by Commissioners Court and who reports directly to Commissioners Court; or
- (iv) A person designated by the County Administrator as a department head when the individual's hiring and discharge requires ratification by Commissioners Court (Commissioners Court Ratified Department Heads); or
- (v) A person designated by the County Administrator as a department head but the individual's hiring and discharge does not require ratification by Commissioners Court (County Administrator Department Head Designees). Notwithstanding anything to the contrary elsewhere, County Administrator Department Head Designees must submit timesheets reflecting the dates and hours worked on each day.

1.06 DOCK TIME

For each workweek in which the [Hours Actually Worked](#) plus Paid Absences total less than an employee's required hours, the deficiency is Dock Time. Dock Time applies to both Exempt and Non-Exempt Employees. The deduction calculations are based upon the employee's regular work schedule and rate of pay in effect during the pay period in which the Dock Time occurs. Dock Time is one type of Unpaid Absence.

1.07 EMPLOYEE'S IMMEDIATE FAMILY MEMBER

Your spouse, children, stepchildren, foster children or any other ward legally placed by the State of Texas, parent, stepparent, siblings, stepsiblings, grandparent, grandchild, parents of your spouse, and the spouses of your children.

1.08 FLSA CLASSIFICATIONS

1.081 Exempt Employee

An employee who is Exempt from the Fair Labor Standards Act (FLSA) minimum wage and maximum hour requirements. Department Heads determine whether an employee's job duties qualify for an FLSA exemption using Auditor's Form 130. Department Heads with questions about an employee's exemption status should contact the Harris County Attorney's Office.

1.082 Non-Exempt Employee

Employees whose job functions entitle them to FLSA minimum wage and maximum hour rules.

1.09 HOURS ACTUALLY WORKED

The time an employee is actually on [Active Duty](#). [Paid Absences](#) and [Unpaid Absences](#) are not Hours Actually Worked.

1.10 LONGEVITY PAY

Additional compensation based on length of continuous [Creditable Service](#).

1.11 OVERTIME

Any amount of [Hours Actually Worked](#) a Non-Exempt employee has in excess of 40 hours per workweek. **In lieu of cash payment for Overtime, [Non-Exempt](#) employees may receive [Compensatory Time](#).**

1.12 PAID ABSENCES OR PAID LEAVE

Absences the County pays for, such as Holidays, Funeral Leave, Jury or Witness Duty, Sick Leave, Compensatory Time, and Vacation Leave. **Employees may not "buy back" any Paid Leave.**

1.13 FISCAL YEAR

On January 26, 2021, Commissioners Court approved a change in the fiscal year beginning in 2022. Starting in 2022, Harris County's fiscal year will begin October 1st and run through September 30th. Under the proposed transition there will be a 7-month fiscal year from March 1, 2022, through September 30, 2022, followed by a full, 12-month fiscal year from October 1, 2022 - September 30, 2023.

1.14 PAYROLL YEAR

The period of time that begins with the first day of the pay period that relates to the first paycheck issued in a calendar year and ends with the last day of the pay period that relates to the final paycheck issued in the same calendar year.

1.15 POSITION CLASSIFICATIONS

1.151 Regular Position

An employee hired for an indefinite period and regularly scheduled to work at least 32 hours per week and eligible for all employment benefits.

1.152 Part-time Position

An employee hired for an indefinite period and only eligible for legally required employment benefits.

1.153 Temporary Position

An employee hired for a specified project or for a limited period of time.

1.16 STANDARD WORKWEEK

1.161 The Standard Workweek begins at 12:01 a.m. Saturday and ends at midnight the following Friday night.

1.162 Department Heads adopt the most efficient schedule for their department operations so long as it conforms to the required time schedules shown for the positions in the salary budget (40 hours weekly, unless otherwise specified in the maximum salary schedule).

1.17 UNPAID ABSENCES OR UNPAID LEAVE

Absences the County does not pay for such as [Dock Time](#) and unpaid Family and Medical Leave Act time.



Outreach Services Manager **Bryan Kratish** leads moms and babies in parachute time in the park. Harris County Public Library brings the library and literacy services to meet people where they gather - in the park, community centers, schools, and other large public events.

SECTION 2. CODE OF CONDUCT, ETHICS, FRAUD, AND CONFIDENTIALITY

SECTION 2. CODE OF CONDUCT, ETHICS, FRAUD, AND CONFIDENTIALITY

- 2.01** As a Harris County employee, you must maintain the highest standards of ethical behavior, including adhering to the [Harris County Code of Conduct](#). Always act with honesty and integrity, respect, confidentiality, and fairness in the execution of your job.
- 2.02** Be professional in the workplace and any time or place you are engaged in work-related activities. Protect the County's assets and its reputation through professional and personal conduct and avoid circumstances that create an appearance of impropriety.
- 2.03** Fraudulent behavior is strictly prohibited. Fraud is broadly defined and may include any type of intentional deception for the purpose of personal or business gain or damage to an individual or organization.

Examples of fraudulent behavior include:

- Accepting compensation for speaking engagement connected with your Harris County position or regarding information you received due to your Harris County position.
- Lying on an employment application or falsifying records.
- Providing false receipts for mileage or travel reimbursement.

You must be a good steward of the resources entrusted to you and exercise due diligence to prevent and detect criminal conduct and non-compliance with laws and policies. Fraud, waste, abuse, or non-compliance must be reported to an appropriate supervisor, manager, or to the Harris County Fraud, Waste and Abuse Hotline identified below. Engaging in acts of fraud may result in disciplinary action or civil or criminal liability.

- 2.04** Harris County is the custodian of many types of information, including information that is confidential and private. If you have access to such information, be familiar with and comply with all applicable laws pertaining to access, use, protection, and disclosure of the information.
- 2.05** As a Harris County employee, you must avoid any activity that creates a real or apparent conflict of interest. Conflicts may exist in any relationship where the County's best interests may be different from an official's or an employee's best interests. Conflicts of interests may also arise in situations where an official or employee employs immediate family members or has a financial or other interest in or a tangible personal benefit from a party considered for a contract or procurement.

- 2.06** Department Heads are responsible for overseeing their employees and ensuring compliance with these standards, including:
- a. Conducting appropriate post-offer background checks on applicants to minimize the risk that employees will commit fraud or other illegal acts in the performance of their duties in accordance with the Fair Chance Policy in section 3; and
 - b. Effectively communicating these ethical standards to all employees and allowing employees to participate in periodic ethics training, whether provided within the department or through HRRM Career Development (which offers video and online ethics training available 24-7 and live ethics training provided quarterly as well as at each new employee orientation).
 - c. Department Heads may require employees to request approval for second employment or extra-duty jobs to ensure that it does not present a conflict of interest, appearance of conflict, or interference with County employment.
- 2.07** Any employee who believes that fraud, waste or abuse has occurred or is occurring in violation of the [Harris County Code of Conduct](#) should report the facts or circumstances giving rise to this belief as follows:
- A report of fraud, waste or abuse should be submitted to the **Fraud, Waste, and Abuse Hotline Number: (866) 556-8181** or via the website at www.harriscounty.ethicspoint.com
 - A report of fraud, waste or abuse should be made to the reporting service as promptly as possible, but not later than thirty (30) days after the reporting party becomes aware of the facts or circumstances that appear to violate the Harris County Code of Conduct.
- 2.08** **Employees who report suspected fraud, waste or abuse can do so without fear of retaliation. Retaliating against any employee for reporting suspected ethical violations or fraud is strictly prohibited. All reports will be promptly and thoroughly investigated. The investigation may include individual interviews with parties involved and any witnesses to the alleged conduct. Employees must cooperate in all investigations. Department Heads will be notified of findings.**
- 2.09** Department Heads are responsible for administering appropriate discipline to any employees found to have committed an ethical violation to prevent similar offenses in the future. The appropriate discipline should be based on all the facts and circumstances surrounding the situation and may range from an oral or written warning, re-training, suspension, demotion or transfer, up to immediate dismissal.
- 2.10** Ask your supervisor if you have questions about the Harris County Code of Conduct, ethics or confidentiality.

2.11 NEPOTISM

It is the County's policy to make employment decisions on the basis of individual merit and avoid any appearance of nepotism in making those decisions.

2.011 Public Officials (identified as applied in Texas Gov't Code § 573.041) are prohibited from appointing or hiring a person related to the official within the third degree by consanguinity (blood) or the second degree by affinity (marriage).

- Consanguinity are individuals related by blood to the following degrees:
 - First degree – parent or child (including adopted children)
 - Second degree – grandparent, grandchild, sibling
 - Third degree – great grandparent, great grandchild, aunt, uncle, niece, or nephew
- Affinity are individuals related by marriage to the following degrees:
 - First degree – spouse, son or daughter in-law, stepchild, or parent in-law
 - Second degree – spouse's sibling, sibling's spouse, spouse's grandparent, spouse's grandchild

2.012 Except as otherwise required by law, Department Heads have discretion to allow relatives to work in the same department, as long as there are no business or job-related conflicts of interests. However, Department Heads should be cognizant of the questions of perceived fairness and impartiality that may arise in such cases. In circumstances where relatives are working together, the following should be followed to avoid real or perceived conflicts of interests:

- Employee should not be, directly or indirectly, involved in employment-related decisions regarding a family member. This includes hiring, supervision, appointment, removal, or disciplinary actions.
- Employee should not evaluate or audit the work of a family member.
- Employee should not approve of payment, invoices, or work for family members.

2.013 Employees must immediately disclose to their manager or Human Resources department any familial relationships, not limited to those identified above, that may result in an actual or perceived conflict of interest so that the matter may be evaluated and addressed accordingly.



Elections Administration team member, **Glen Poole**, monitoring the Logic & Accuracy ballot testing for the November 2, 2021 Elections. The Elections Administration's Office and its annex locations are open to the public to distribute and receive voter registration forms and applications or information.

SECTION 3. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

SECTION 3. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

3.01 Harris County and the Harris County Flood Control District provide equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, pregnancy, disability, genetic information, or any other protected class in accordance with applicable federal and state laws. No Department Head or employee may fail or refuse to hire or discharge any individual, or discriminate against any individual with respect to the terms, conditions, or privileges of employment, including hiring, placement, promotion, termination, layoff, transfer, leaves of absence, and compensation. Religious discrimination includes failing to provide a reasonable accommodation for an employee's religious practices when the accommodation does not impose an undue hardship. Nor may any Department Head or employee limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect their status as employees, because of their race, color, religion, sex, sexual orientation, gender identity, national origin, age, pregnancy, disability, genetic information, or any other protected class in accordance with applicable federal and state laws.

3.02 FAIR CHANCE POLICY

The County has adopted the Fair Chance Policy giving opportunities to individuals with arrest and/or conviction records to obtain gainful employment. The Fair Chance Policy applies to (1) all departments under the direction of Commissioners Court and (2) the department of any elected or official appointed by an entity other than Commissioners Court who chooses to adopt this policy.

3.021 Positions advertised through Human Resources & Risk Management do not include questions seeking an applicant's criminal history, unless the position is in a law enforcement department, in which case such information may be solicited.

3.022 Departments shall conduct criminal history checks on applicants only if and after the department has extended a conditional offer of employment to the applicant. However, criminal history checks may be performed at an earlier point in the hiring process for positions in which state or federal law, or County agreements governing access to certain databases, require a criminal history check and/or disqualification of certain applicants based on the results of that check.

Section 3: Equal Employment Opportunity Statement

- 3.023 Departments shall not consider an applicant's records of arrest if not followed by a conviction (unless charges are pending during the criminal history check, in which case it may be considered as indicated by this policy); sealed, dismissed, or expunged convictions; or misdemeanor convictions where no jail sentence can be imposed; and
- 3.024 Unless the applicant is determined to be unqualified for the position due to state or federal law, or County agreements governing access to certain databases, may only deny an applicant employment based on a prior conviction(s) if the department makes a good faith determination that the conviction(s) is relevant to the position such that its consideration is appropriate and, then, only after an individualized assessment of the applicant's situation that leads to a determination that the applicant is no longer deemed suitable for the position.
- 3.025 If a criminal history check yields information that is of concern to the hiring department, the applicant will be informed of the conviction(s) that are the basis for concern and be provided an opportunity to present information regarding inaccuracy, mitigating circumstances, and rehabilitation; the applicant's situation will then be assessed on an individualized basis, unless, again, the applicant is ineligible due to state or federal law, or County agreements governing access to certain databases.



Harris County Sheriff's Office, Vehicular Crimes Division responds to crashes involving life flights and fatalities. Accident investigator Deputy **Vergil Balthazar** is pictured as he investigates a Life Flight major crash involving an infant child. The instrument he is holding is a prism which is used to create scale diagrams of scenes.

SECTION 4. NON-DISCRIMINATION AND ANTI-HARASSMENT

SECTION 4. NON-DISCRIMINATION AND ANTI-HARASSMENT

We are committed to maintaining a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits any discrimination and harassment as protected by applicable law. We expect all relationships among persons in the workplace to be business-like and free of bias and prejudice.

4.01 **CROWN ACT**

Harris County values their employees and prohibits discrimination based on hair texture and style. This includes, but is not limited to, hair texture, hair type, or protective hairstyles such as afros, braids, locks, and twists. This does not alter the ability of Department Heads to restrict certain hairstyles due to a bona fide occupational qualification or that directly interfere with an essential job function or a safety/security precaution.

4.02 **DEFINITION OF HARASSMENT**

4.021 Sexual harassment is a form of discrimination and is illegal. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 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.

4.022 Harassment on the basis of any of the other protected characteristics is also strictly prohibited. Those protected characteristics are race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability or any other protected class in accordance with applicable federal and state laws.

4.023 Harassing conduct includes epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group. It can also take many other forms, including, but not limited to, e-mail, phone calls or voice messages, or text messages.

4.03 REPORTING VIOLATIONS

4.031 If you have witnessed or been the subject of discrimination, including harassment or retaliation, you must report it to:

- your supervisor; or
- your Department Grievance Coordinator; or
- the person designated in your departmental harassment policy; or
- your Department Head; or
- the Director of Harris County Human Resources & Risk Management or the Director's designee.

Individuals designated to receive complaints of this policy, including supervisors, Department Grievance Coordinators, and Department Heads are required to report such complaints to the Director of Harris County Human Resources & Risk Management or the Director's Designee.

4.032 If you make a report under this section and are not satisfied with the response given, you must report the alleged act(s) to another person on the list.

4.033 All reports will be investigated promptly and thoroughly. The investigation may include individual interviews with the parties involved and any witnesses to the alleged conduct. Employees must cooperate in all investigations. Immediate and appropriate corrective action will be taken and may include but is not limited to; reporting the complaint to another designated individual, initiating an investigation, evaluating the possibility of temporary work relocation and reassignment, and taking appropriate corrective action.

4.034 **Retaliation** against someone for reporting harassment or discrimination or for participating in an investigation is a serious violation of this policy. If you think someone is retaliating against you, report it immediately. Appropriate corrective action will be taken, if necessary.

4.035 False and malicious complaints of harassment, discrimination, or retaliation may be the subject of appropriate disciplinary action.



Commissioner Precinct 4, Jones Park Historic Programmer **Neil Young**, shows beauty berries along the Spring Creek Greenway. Although the berries are edible, Young advises visitors to ask an expert before sampling berries along the trail.

SECTION 5. AMERICANS WITH DISABILITIES ACT

SECTION 5. AMERICANS WITH DISABILITIES ACT

- 5.01** Harris County does not discriminate against employees with disabilities and is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA). We will provide reasonable accommodations to qualified applicants or employees with disabilities who have made the Department aware of their disabilities, provided that such accommodation does not constitute an undue hardship on the operation of the department. If you need a reasonable accommodation, talk to your supervisor. Departments will engage in an interactive process with you to identify possible accommodations, if any, to help you do your job.
- 5.02** The County must provide certain accommodations needed by people with disabilities to participate in services, programs, and activities Harris County offers. For example, to facilitate effective communication, the ADA requires the County to **provide auxiliary aids and services such as sign language interpreters, telecommunication devices for the deaf, hearing aid-compatible amplified and captioned telephones, video phones, and assistive listening devices, free of charge to citizens** who need an accommodation to communicate when participating in or seeking access to County services, programs, and activities.
- 5.03** Make sure you know how to access the necessary auxiliary aids and services when requested. Obtain additional information on accessing auxiliary aids and services from your departmental ADA Coordinator, the Harris County ADA Coordinator, or the Human Resources & Risk Management [ADA webpage](#).



Harris County's Flood Control Encroachment Program Lead, **Gerardo Ruiz**, is part of the Community Services Division and is photographed inspecting for removal of an encroaching fence. The Encroachments Removal Program exists to enforce access to our rights-of-way along the more than 2,500 linear miles of channel under the jurisdiction of the Harris County Flood Control District.

SECTION 6. WORKPLACE SAFETY

SECTION 6. WORKPLACE SAFETY

Harris County is committed to providing a safe, productive, and secure workplace and has adopted policies for a Drug-Free and Alcohol-Free Workplace and a Violence-Free Workplace to meet that goal. You must report to work in an appropriate mental and physical condition to perform your job safely and effectively.

6.01 **DRUG-FREE AND ALCOHOL-FREE WORKPLACE**

6.011 Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of County equipment and facilities. For these reasons, the County is committed to a workplace free of drugs and alcohol. Information is available to tell employees about:

- the County's policy of maintaining a drug-free and alcohol-free workplace;
- the dangers of illegal drug abuse and alcohol abuse;
- the coverage for substance abuse treatment programs that is available for eligible employees through the group health plan and the Employee Assistance Program; and
- the penalties that may be imposed upon employees for violating this policy.

6.012 The County also conducts pre-employment, safety-sensitive, reasonable suspicion, and certain post-accident drug and/or alcohol screening pursuant to the Harris County Drug and Alcohol Screening Policy for [Commercial Drivers](#), [Non-Commercial Drivers](#), or your departmental policy.

6.013 Employees who have a commercial drivers' license (CDL) as a requirement of their job are subject to alcohol and controlled substance testing pursuant to U.S. Department of Transportation regulations. Keep your CDL current and immediately notify your Department Head of any change in the status of your license.

6.014 Do not manufacture, distribute, dispense, possess, purchase, or use illegal drugs, alcoholic beverages, inhalants, or controlled substances in the workplace or in any other facility, location, or vehicle you are required to be in to do your job. Do not misuse legally prescribed or over-the-counter (OTC) drugs.

- 6.015 You are responsible for learning the possible effects of the prescription and OTC drugs you use while working. Tell your supervisor or designated Department representative of any side effects that might impair your ability to do your job. The County may, at its discretion, require employees in safety-sensitive positions to refrain from working while taking *any* drug or medication, or require such employees to get written authorization from their physicians about their ability to perform their job duties safely while taking the medication.
- 6.016 Employees arrested or convicted of a violation of state or federal law against manufacturing, distributing, dispensing, possessing, purchasing, or using an illegal drug or controlled substance must report such arrest or conviction in writing to their supervisor or designated department representative within 5 working days of the arrest or conviction. The supervisor or designated department representative must then report any convictions to the Director of Human Resources & Risk Management.
- 6.017 Employees who regularly drive as part of their County job are subject to periodic checks of their driver's license and must immediately notify their Department Head of any change in the status of their license.

6.02 VIOLENCE-FREE WORKPLACE

- 6.021 We strive to provide a safe work environment free of violence or threats of violence, including intimidation and bullying, against employees and the visiting public, as well as County and personal property. All individuals on County premises must conduct themselves in a professional manner.
- 6.022 Examples of bullying include pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property, slandering, ridiculing, or maligning a person, name calling that is hurtful, insulting, or humiliating, using a person as the target of jokes, or making abusive and offensive remarks.
- 6.023 Be alert and tell appropriate management personnel of any behavior you think violates or could constitute a violation of this policy. Retaliation against an employee who reports threats of workplace violence is strictly prohibited.
- 6.024 Anyone found to be responsible for threats of or actual violence or other prohibited conduct will be subject to prompt disciplinary action up to and including termination.



Photograph of the November 2, 2021 Election night at NRG, Certification Station – Courtesy of **Elections Administration Office**.

SECTION 7. COUNTY PROPERTY AND ELECTRONIC SERVICES POLICY

SECTION 7. COUNTY PROPERTY AND ELECTRONIC SERVICES POLICY

7.01 SCOPE

This policy applies to all County property, whether tangible or intangible, including desks, lockers, filing cabinets, electronic equipment, media, services, and new technologies as they emerge, including but not limited to, **computers, e-mail, telephones, cell phones, tablets, voicemail, fax machines, copiers, radios and wireless devices, wire services, and on-line services, including County Wi-Fi and the Internet**, that are:

- County property;
- accessed using County computer equipment or your own, via County-paid access methods; and/or
- used in a manner that identifies the individual as a County employee.

With the rapidly changing nature of technology, this policy cannot provide guidelines for every possible situation. Instead, it expresses the County's philosophy and sets forth general principles. For more detailed, technology-specific requirements see the [IT Security Policies](#) and follow them at all times.

7.02 GENERAL PRINCIPLES

7.021 Use County Assets Wisely

The County's assets are intended to be used primarily for the benefit of the County. Protect these assets and use them wisely.

7.022 No Expectation of Privacy

You have no expectation of privacy in the workplace, in your work-related conduct, in the use of County-owned or County-provided equipment or supplies, or anything you create, store, send, or receive on the County computer system. **Assume that what you do while on duty or using County equipment is not private.** Although searches are normally not conducted without a valid reason, all work areas and county equipment, such as desks, files, lockers (even if you provide a lock), computers, devices, and electronic media are subject to search at any time.

7.023 County Assets must be Returned Upon Employment Separation

Harris County assets must be returned within 72 hours of separation of employment. Employees who separate employment are may be held responsible for the fair market value of any unreturned hardware, incomplete hardware or damaged hardware. Failure or refusal to return assets may result in deductions from final pay and/or accrued compensable leave balances.

7.03 MONITORING PRACTICES

- 7.031 Generally, we do not monitor electronic information you create or communicate by e-mail, word processing, utility programs, spreadsheets, voicemail, telephones, Internet access, etc. However, we routinely monitor:
- a. Usage patterns for voice and data communications (e.g. website accessed, length, time of day) for cost analysis, cost allocation, and to manage the County's gateway to the Internet. We also monitor the County network and computer systems for security incidents, patterns of unauthorized use, data leakage events, and other malicious activity that may present a potential threat to the County's information and information resources.
 - b. To the extent allowed by law, **County officials, Department Heads, and others are permitted to review your electronic files, messages, and usage to ensure compliance with the law and current County policies.**

7.04 CYBERSECURITY ANNUAL TRAINING REQUIREMENT

- 7.041 Subject to the amendment of Texas Government Code Ann. § 2054.5191, the State of Texas requires Harris County to:
- 7.0411 Identify all Harris County employees, including elected and appointed officials, with access to a local government computer system or database and use a computer to perform at least 25 percent of their required duties.
 - 7.0412 Require identified Harris County employees, including elected and appointed officials, to complete an annual certified cybersecurity training program.
- Employees who do not complete the required annual cybersecurity training may have computer access denied.**
- 7.0413 Harris County is required to verify and report the completion of a cybersecurity training program by employees and elected and appointed officials to the State of Texas by the at the end of the program year.
 - 7.0414 Harris County is required to conduct periodic audits to ensure compliance with the statute.

7.05 PUBLIC INFORMATION ACT

- 7.051 Any Public Information Act (PIA) requests received should be forwarded to your department's PIA Officer and the Assistant County Attorney's designated Public Information Officer (PIO).
- 7.052 Emails, texts, and other electronic communications related to official county business are subject to the Public Information Act (PIA) regardless of where they are stored. Thus, if you use your personal cell phone or tablet to conduct County business or your personal email account to send or receive messages related to County business, that personal device or account may be subject to inspection to respond to a request for information under the PIA. The best practice is to use County email for all County business. If you must use your personal email account for County business, send a copy of the message to your Harris County account. To comply with records retention laws, all County business messages must be stored on a County email account no matter where the email originated.
- 7.053 If you text anything about County business other than transitory information, copy the text to your county email account. Texts to set up a meeting, say you are running late, or asking someone to call you are examples of transitory information.

We do not want to search your personal computer, cell phone, or email account for public information, but if we get a request under the PIA or in a discovery request during litigation involving the County, we may be required to do it.

7.06 E-MAIL AND INTERNET ACCESS

Harris County provides e-mail, internet access, and access to other electronic forms of communication and information exchange to make communication more efficient and effective and because they are valuable sources of information for government-related work. We may limit and/or decrease Internet connection speeds, block Internet content, and remove Internet access for any individual or group deemed appropriate to enable availability and performance for critical County services.

7.061 **Acceptable Uses**

These are some of the *acceptable uses* of information technology.

- Communication and information exchange directly related to your job.
- Communication for professional development, to obtain continuing education or training, or to discuss issues related to your job.
- At the Department Head's discretion, you can use electronic media for incidental or *de minimis* personal matters.

7.062 **Unacceptable Uses**

These are some of the *unacceptable uses* of information technology.

- Knowingly transmitting, retrieving, or storing any communications that are discriminatory or harassing; derogatory toward any individual or group; obscene; defamatory or threatening; “chain letters”; or for any other purpose that is illegal or against County policy.
- Use for any **personal profit** or political gain.
- Use for purposes not directly related to your job whether before, after, or during normal business hours, unless your Department Head allows minimal personal use.
- Use to copy, retrieve, or forward copyrighted material (such as software, database files, documentation, articles, graphics files, and downloaded information) unless you have the right to copy or distribute such material.
- Attempts to read, “hack” into other systems, or “crack” passwords, or breach computer or network security measures.
- Use that attempts to hide the identity of the sender or represents the sender as someone else.
- Development of programs designed to harass other users or infiltrate a computer or computer network or to damage or alter hardware or software.
- Deliberately wasting computer resources or unfairly monopolizing resources, including, but not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic. Because audio, video, and picture files require significant storage space, files of this or any other sort may not be downloaded unless they are business-related.
- Use for online games and gambling, music, and movie downloads.

7.07 SOCIAL MEDIA POLICY

We understand that social media can be a fun and rewarding way to share your life and opinions with your co-workers and family and friends around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines.

7.071 **Guidelines**

Social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on or via the Internet. Ultimately, you are solely responsible for what you post online.

Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects vendors, contractors, or others affiliated with the County, may result in disciplinary action up to and including immediate dismissal.

7.072 **Know and follow the rules**

Make sure your postings are consistent with these policies. Inappropriate postings that include discriminatory remarks, harassment, or threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including immediate dismissal.

7.073 **Be respectful**

Always be fair and courteous to fellow employees and interns, vendors, contractors, or others affiliated with the County. Keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by discussing issues with your supervisor than by posting complaints online. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage co-workers, vendors, contractors, or others affiliated with the County.

Examples of such conduct might include offensive posts meant to harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, national origin, disability, religion, age, or any other status protected by law or County policy.

7.074 **Be honest and accurate**

Be honest and accurate when posting information or news about the County. If you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched.

Never post any information or rumors that you know to be false about the County, your co-workers, vendors, contractors, or anyone affiliated with the County.

7.075 **Maintain confidentiality and clearly identify opinions as your own**

Maintain the confidentiality of information the County holds that is private or confidential. Do not post internal reports, policies, procedures, or other internal business-related confidential communications.

Express only your personal opinions. Never represent yourself as a spokesperson for the County without authorization. If you write about the County, be clear and open about the fact that you are an employee and make

it clear that your views do not represent those of the County. It is best to include a disclaimer, such as, “The postings on this site are my own and do not necessarily reflect the views of Harris County.”

7.076 Using social media at work

Refrain from using social media while on working time or on equipment we provide, unless it is work-related and authorized by your manager. Do not use your County email address to register on social networks, blogs, or other online tools for personal use.

7.077 Beware of what you post online

No matter what social media platform you use, consider the type of information you choose to share with others. Here are the common cyber risks you may face when using social media:

- **Sharing sensitive information.** Sensitive information includes anything that can help a person steal your identity or find you, such as your full name, Social Security number, address, birthdate, phone number, or where you were born.
- **Posting questionable content.** Questionable content can include pictures, videos, or opinions that make you seem unprofessional or mean and can damage your reputation or the reputation of the County.
- **Tracking your location.** Many social media platforms allow you to check in and broadcast your location, or automatically adds your location to photos and posts. You could be telling a stalker exactly where to find you or telling a thief that you are not home.

7.08 RETALIATION IS PROHIBITED

We will not take negative action against an employee for reporting a possible violation of this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible violation of this policy or for cooperating in an investigation will be subject to disciplinary action up to and including immediate dismissal.



Harris County Sheriff's Office, **Sergeant Warren A. Conner**, helps lead an impounded horse to be loaded in the department's trailer for auction. The Harris County Livestock Unit helps County residents with locating livestock and resources to care for their animals.

SECTION 8. PAYROLL PROCEDURES, TIME REPORTING, AND COMPENSATION

SECTION 8. PAYROLL PROCEDURES, TIME REPORTING AND COMPENSATION

8.01 **EMPLOYMENT EFFECTIVE DATES AND OTHER PRELIMINARY MATTERS**

8.011 The County Auditor establishes procedures for payroll forms and documents. Departments must complete and retain information about the appointment, compensation, and separation of employees. **The Texas Payday Act does not apply to Harris County.**

8.012 No employment is effective until:

- the County Budget Officer approves the use of funds;
- the Department completes and signs the employee compensation form;
- the person completes and signs the direct deposit or pay card form (the County does not issue pay checks); and
- the person begins [Active Duty](#).

8.013 Department Heads have discretion to allow employees to begin active duty at any time.

8.014 Employees under 18 years old and unmarried when they start work must have their parent or guardian complete the I-9 and sign a parental release and indemnification agreement on [County Auditor Form 3399](#).

8.015 Departments must send copies of the *signed* Employee Compensation form, Change in Status form, and all other forms required by law or the Auditor, to the Auditor's Office immediately upon completion.

8.016 The Auditor verifies that the employment conforms to the maximum salary approved by Commissioners Court. The Department Head can set the employee's salary at any level up to the approved budget maximum for the position.

8.017 If your name, address, telephone number, or emergency contact change, update the information in the STARS Employee Self-Service portal or tell your department payroll person immediately.

8.02 **CHANGES IN STATUS**

8.021 Position control changes and changes in status (new positions, title changes, rate of pay, hours required, etc.) are prospective only and generally become effective on the first day of a pay period.

- 8.022 Department Heads must ensure all Temporary Positions do not exceed the maximum allocated hours authorized by Commissioners Court.

8.03 PAY OF ELECTED OR APPOINTED OFFICIALS

- 8.031 The County will prorate the pay of elected or appointed officials who vacate their positions prior to the end of their term based on the number of normal business days (Monday-Friday) in bi-weekly pay periods.

8.04 HOURS ACTUALLY WORKED

8.041 Breaks

No federal or state law entitles County employees to regularly scheduled breaks. Many departments, though, allow employees to take breaks during the day. Check with your supervisor to find out what your department's policy is. Breaks longer than 20 minutes are not paid.

8.042 Meal Periods

No federal or state law entitles County employees to meal periods. When meal periods are taken, they should be for at least 30 minutes. If a non-exempt employee is not completely relieved of duty during the meal period, the time is paid. Supervisors are responsible for making sure non-exempt employees who put a meal period on their timesheets did not actually work during that time.

8.043 Commuting

Normally, **time spent commuting to and from work is not counted** as Hours Actually Worked, even if you travel from home to an outlying job site. This is true whether you work at one work site or at different work sites. Generally, you are not at work until you reach the job site. But, if you have to report to a meeting place to receive instructions, perform other work there, or pick up tools, the travel from that meeting place to the work site is included in Hours Actually Worked.

8.044 Travel During the Workday

Time spent traveling directly from one work site to another work site during the workday is included in Hours Actually Worked.

Example: Sarah usually works from 8 a.m. to 5 p.m. at 1001 Preston. One day she has a business meeting at 9 a.m. in Baytown and drives from home directly to the meeting. Her workday does not begin until she gets to the meeting place in Baytown. After the meeting, Sarah drives directly to 1001 Preston. Her travel time from the meeting in Baytown directly to her office at 1001 Preston counts as Hours Actually Worked.

8.045 **Out-of-County Travel**

8.0451 *One Day Trips*

As a general rule, all travel time on a one-day out-of-County trip is included in [Hours Actually Worked](#) (except for meal periods or time spent traveling from home to a mode of public transportation, if applicable).

8.0452 *Overnight Trips*

Travel time, excluding meal periods, **during normal working hours (even on non-working days)** on an overnight out-of-County trip is included in Hours Actually Worked. Travel time as a *passenger* in any type of vehicle **outside of regular working hours** is not work time. However, if you are offered public transportation (for example, air, bus, or train fare) but ask to drive yourself, your Department Head chooses whether to count as Hours Actually Worked the time spent driving or the time that would have counted as Hours Actually Worked if you had used the public transportation.

8.05 TIME RECORDS, DEDUCTIONS, AND CORRECTIONS

8.051 All employees are required to submit their work hours in a timely manner. Failure to submit your time by the payroll deadline may result in a delayed payment. Supervisors review time records for accuracy. Department Heads are responsible for preparing timely and accurate time records and submitting their payroll to the Auditor.

8.052 **You must report your time accurately and check your records each pay period to make sure the County processed it (including time, benefits, and incentives) correctly. Report any issues to your payroll clerk.**

The County Auditor or designee may inspect time records at any time and may make payroll deductions for any overpayments.

8.053 Except for certain qualified changes under the County's Group Health and Related Benefit plan(s) and those required by law, payroll deductions are effective on the date requested by the employee or in the pay period processed by the County Auditor, whichever is later.

8.054 Except for corrections, payrolls are final upon approval by the Department Head. Department Heads must submit changes that may result in an overpayment to a terminated employee *immediately*. Department Heads submit other changes as a supplemental payroll. **Payroll changes or corrections are limited to the 2 preceding pay periods, except as required by law (e.g. Workers' Compensation) or court order.**

8.055 You cannot reclaim vacation hours accrued beyond the maximum or expired floating holiday hours through a supplemental payroll.

8.06 UNEXCUSED ABSENCES AND DISCIPLINARY SUSPENSIONS

8.061 Harris County is accountable to the taxpayers for spending public funds; therefore, our pay system is based on principles of public accountability that prohibit the government from paying employees unless they actually perform work or have [Paid Leave](#) available. Thus, even [Exempt Employees](#) are subject to deductions for partial-day absences.

8.062 Department Heads may choose whether to allow an employee to substitute Paid Leave for [Dock Time](#).

8.063 Department Heads may suspend employees without pay or terminate their employment for disciplinary purposes, including unexcused absences and excessive absenteeism. [Non-Exempt Employees](#) may be suspended for any period of time. Department Heads may only suspend [Exempt Employees](#) in accordance with the Salary Basis Rules below. Department Heads with questions about this policy should contact the Harris County Attorney's Office.

8.07 SALARY BASIS RULES AND SAFE HARBOR PROVISION

8.071 [Exempt Employees](#) are treated differently in the public sector than in the private sector with regard to certain salary deductions. Deductions may be made under the following circumstances.

- a. When an [Exempt Employee](#) does not work at all in a workweek;
- b. When an Exempt Employee begins or ends employment in the middle of a workweek;
- c. When an Exempt Employee is absent for personal reasons (including illness or injury) and:
 1. has not asked for [Paid Leave](#);
 2. has asked for Paid Leave, but the request was denied;
 3. has exhausted all Paid Leave; or
 4. has chosen not to use Paid Leave;
- d. When an Exempt Employee is suspended in **increments of one full workweek** for any reason;
- e. When an Exempt Employee is suspended for any period of time for violating a safety rule of major significance, including those rules relating to the prevention of serious danger in the workplace or other employees.
- f. When an Exempt Employee is suspended in **full day increments** for violating a written workplace conduct rule (**other than absenteeism or performance**);
- g. When an Exempt Employee takes [Unpaid Leave](#) under the Family and Medical Leave Act; and
- h. When a Department Head orders a furlough for budgetary reasons.

Section 8: Payroll Procedures, Time Reporting, and Compensation

8.072 Harris County prohibits [Department Heads](#) from making or authorizing improper deductions from an [Exempt Employee's](#) salary. Be aware of this policy and report any improper deductions to your supervisor or to the Auditor's Office Payroll Director. We will review it and correct any mistakes. Retaliation against employees who file a report under this section is prohibited.

8.08 DUAL COUNTY EMPLOYMENT

8.081 Generally, an employee cannot work for two departments at the same time. If a department wants to hire someone who is already employed by another County Department, the Department Head **must** first submit a written request to Commissioners Court.

8.09 LONGEVITY PAY

8.091 Department Heads and [Regular Position Employees](#) receive Longevity Pay equal to \$60 per year for each full year of [Creditable Service](#), subject to a maximum credit of 30 years. State district court judges, masters, and referees do not receive Longevity Pay.

8.092 For purposes of determining Longevity Pay, Creditable Service is calculated on the first day of the Fiscal Year. Fractional years are not considered. Longevity Pay increases begin with the first paycheck after the employee's first year of employment.

8.10 SOCIAL SECURITY

8.101 The County participates in the Social Security and Medicare programs.



Employees taking part in an outdoor wellness class. Left to right, **Leslie Austin**, County Attorney's Office, **Martika Thompson**, Harris County Juvenile Probation, with Wellness Specialist **Alexis Lewis**, **Vanessa Rodriguez** and **Regina Hicks**, also of the Harris County Juvenile Probation Department.

SECTION 9. GROUP HEALTH AND RELATED BENEFITS

SECTION 9. GROUP HEALTH AND RELATED BENEFITS

9.01 HEALTH BENEFITS

The following policies apply to the Group Health and Related Benefits the County provides to employees, retirees, and eligible dependents. **The County can amend or discontinue benefits at any time.**

9.011 Eligibility

9.0111 Department Heads and [Regular Position Employees](#) are eligible for these benefits.

Benefits begin on the first day of the pay period following 45 days of continuous employment as a Regular Position Employee unless the insurance policy(ies) in effect at the time specify a different period.

Example: Lauren starts work on June 2nd. She reaches 45 days of continuous employment on July 16th. Therefore, she is eligible for Group Health and Related Benefits on the first day of the pay period following July 16th.

- 9.0112 Eligibility for elected and appointed officials begins on the first day of the pay period following 45 days in office, unless the elected or appointed official was insured by the County as an active employee on the day before the first day of the official's term or first day in office.
- 9.0113 Employees hired from other entities that are covered under Harris County's group health plans and were enrolled in the County's group health plans while working for those entities are not subject to a waiting period.
- 9.0114 Enrollment in the County's Benefits Plan is a condition of employment and is mandatory for all employees. Only newly hired employees who are eligible for Medicare or are currently enrolled in TRICARE as a retiree or active reservist in the United States military may waive their benefits upon initial enrollment. Please contact your Human Resources office to obtain a waiver of employee health and related benefits.
- 9.0115 If a newly hired employee is a covered dependent of a parent or spouse on the Plan, eligibility under that Plan as a dependent ends once their own benefits go into effect. Under no circumstances may an employee be covered on both Plans, as they must use their own.

9.012 **Dependents**

9.0121 **Eligible dependents may include your spouse, children, grandchildren, or others who meet the eligibility requirements as listed in the [Employee Benefits' Guide](#). You may enroll eligible dependents for coverage under certain Group Health and Related Benefits plan(s). **The effective date of dependent coverage is your effective eligibility date or the "Insurance Begin Date" set by the County Auditor.****

9.0122 Covered retirees may be eligible to continue coverage for dependents who were covered at the time of Retirement. **After that, retirees may not add dependents without a qualifying family status change. Upon a retiree's death, coverage for all covered dependents will terminate.**

9.013 **Retirees**

Employees who retire in accordance with the provisions of the TCDRS (including disability Retirement) and who were covered as active employees under the Group Health and Related Benefits plan(s) in effect at the time of Retirement may be eligible to retain certain benefits coverage(s). Employees who receive Retirement benefits within 4 months of separation are eligible to retain certain Group Health and Related Benefits coverage(s) if they chose COBRA coverage for the period between their separation and retirement.

9.014 **COBRA**

Continuation of certain Group Health and Related Benefits is available to covered employees and their dependents upon separation of employment and other qualifying events under the provisions of Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272 (COBRA), including applicable regulations, amendments, and conversion rights of the policy(ies) and plan(s) in force. Eligible employees, retirees, and dependents should refer to provider materials and relevant publications and notices by the County for further information.

9.015 **Contributions**

We may require employees or retirees to pay a portion of premiums for coverage for themselves or their dependents. Employees on [Unpaid Leave](#) and all retirees must make premium payments to the County. *Direct questions about billing to Human Resources & Risk Management.*

9.016 **Benefits**

Benefits are provided subject to the policy(ies) and plan(s) in force and applicable federal, state, and local laws regulating insurance and employee benefit plans. We have the right to offer alternative coverage(s) to retirees

or their dependents. Obtain additional information about the current benefit plan(s) from [Human Resources & Risk Management](#).

9.02 VERIFICATION OF ELIGIBILITY, ENROLLMENT PERIODS, AND CHANGES TO COVERAGE

9.021 Verification of Eligibility

Employees and Retirees must submit the documentation outlined below to add eligible dependents to their Group Health and Related Benefits coverage(s).

- *Spouse* – a filed copy of a Formal Marriage License or Certificate of Informal Marriage.
- *Children* – a Birth Certificate or court documents showing legal guardianship or legal custody. Verification of Birth Facts accepted only **up** to the age of five (5).
- *Grandchildren* – Certification of Financial Dependency form as required by the Group Health and Related Benefits provider and Birth Certificates of the child and grandchild to prove the required relationships. Grandchildren must be related to the employee by either birth or adoption (cannot be a step-grandchild).

9.022 Enrollment Periods

9.0221 The County provides an *initial* enrollment period for newly eligible employees to select from among certain coverage options for themselves and to elect or decline coverage for eligible dependents.

9.0222 We also provide open enrollment periods as required by law. If an annual open enrollment period is provided, you may add or drop dependents and make changes to plan selections then. *Retirees may only change benefit plan selections during open enrollment periods.*

9.023 Changes to Coverage Outside Open Enrollment Periods

Other than during an open enrollment period, employees may only add or drop dependents or make changes to their Flexible Spending Account contributions if a **qualifying change in family status** occurs as defined in the policy(ies) and under the law. **Retirees may drop dependents at any time, but may only add dependents within the same calendar year of a qualifying change in family status, unless the Life Event occurs in December, at which time you have thirty (30) days to add dependents.**

9.0231 ***Adding Dependents***

To add dependents, you must complete a Life Event online in STARS, including uploading the appropriate documentation, within **the same calendar year of a qualifying change in family status.**

Section 9: Group Health and Related Benefits

Due to security concerns, STARS can only be accessed from within the Harris County network. The coverage is effective the start of the following pay period in which the Life Event is approved.

9.0232 ***Adding Newborns***

The effective date of dependent coverage for a newborn is the date of birth if you complete a Life Event in STARS, including uploading the appropriate documentation **within 31 days of the birth**. Otherwise, the coverage is effective the start of the following pay period in which the Life Event is approved.

9.0233 ***Terminating or Dropping Dependent Coverage***

Following a qualifying change in family status, an employee must complete a Life Event in STARS, including uploading the appropriate documentation **during the same calendar year in which the event took place, unless the event occurs in December, at which time you have thirty (30) days to drop dependents**. The coverage is terminated at the end of the pay period in which the Life Event is approved.

Changes in dependent coverage are not allowed if the qualifying change in family status occurred prior to January 1 of the current calendar year except in cases of a newborn reported within 31 days of birth, dependent ineligibility, or death.

9.024 ***Termination Of Coverage***

9.0241 ***4 - Week Rule***

Except as required by law, employees compensated for less than 32 hours per week for 4 consecutive weeks lose eligibility for Group Health and Related Benefits but are eligible to elect COBRA benefits. (See § 9.014 regarding COBRA). *Employees who lose coverage under this section and do not choose COBRA coverage are subject to a new waiting period if they later become eligible for Group Health and Related Benefits.*

9.0242 ***Separation of Employment***

Employees who separate employment with the County lose coverage on the beginning date of pay period following their separation date.

9.0243 ***Failure to Pay***

Employees and retirees who fail to pay premium contributions lose their Group Health and Related Benefits. Unless the employee is

returning from FMLA leave, **benefits are not reinstated until past due premiums are paid in full.**

9.0244 ***Fraud or Misrepresentation***

Anyone who commits fraud or makes misrepresentations about the use of Group Health and Related Benefits loses coverage as outlined in the respective benefit plan documents. Further, the County will report all suspected cases of fraud to the District Attorney.

Obtain additional information about Group Health and Related Benefits from [Human Resources & Risk Management](#).

9.03 EMPLOYEE ASSISTANCE PROGRAM

9.031 We have an employee assistance program (EAP) available to you or any member of your household. The EAP offers confidential consultation and counseling services to employees and members of your household who are experiencing problems at work or at home. Some of these problems may include, but are not limited to: family, marital, alcohol/drug abuse, emotional distress, job-related, legal, or financial difficulties.

There are three types of referrals:

- **Self-referral:** You can contact the EAP on your own by calling the number listed in your [Employee Benefits' Guide](#).
- **Informal referral:** Your supervisor, a co-worker, family member, or community professional may recommend or suggest that you call the EAP.
- **Formal referral:** If the issue is affecting your work, your department may require you to call the EAP and comply with any recommendations the EAP makes.

Refer to your Employee Benefits' Guide for more information.

9.04 RETIREMENT

The County is a member of the Texas County and District Retirement System ([TCDRS](#)). Obtain additional information regarding TCERS from [Human Resources & Risk Management](#).

9.041 Commissioners Court determines the amount of employee and employer contributions to TCERS. [TCERS](#) calculates and pays Retirement benefits.

9.042 All employees except those in [Temporary Positions](#) must make contributions to TCERS.

Department Heads are prohibited from creating re-employment agreements with employees.

You must not have any expectation, understanding, or agreement that you will be rehired by any Harris County department after retiring.

The IRS requires the employment separation be bona fide; and Even when no prohibited agreement existed, TCDRS requires at least one full calendar month to pass before a retiree or former employee who has withdrawn their TCDRS account may be re-hired.

- 9.043 Employees who want to retire must submit a completed retirement application packet to Human Resources & Risk Management, or online at <http://www.TCDRS.org>, in advance of the proposed effective date of retirement. The effective date of retirement is the last day of the month.
- 9.044 Once Human Resources & Risk Management receives a completed application, including a retirement date, HRRM will notify the department payroll clerk.

9.05 DEFERRED COMPENSATION/457 SAVINGS PLAN

The County offers a 457(b) plan, which is a savings plan for eligible employees. The plan is similar to a 401(k) plan. You may choose to defer a specific amount of your paycheck on a pre-tax or after-tax basis through payroll deduction. The taxes on eligible pre-tax contributions are deferred until withdrawal, as well as the taxes on any investment earnings from these contributions. The 457(b) plan is a great way to supplement your retirement. Refer to your [Employee Benefits' Guide](#) for more information.

9.06 WORKERS' COMPENSATION

The County provides Workers' Compensation benefits for accidents, illnesses, or injuries employees sustain in the course and scope of employment in accordance with the existing Texas Workers' Compensation laws.

- 9.061 **You must report any on-the-job accident, illness, or injury to your immediate supervisor or designated department officer within 24 hours of the occurrence.** The supervisor or designated officer must then forward the notice to Human Resources & Risk Management immediately. Failure to report an on-the-job accident, illness, or injury in a timely manner may result in the loss of or denial of Workers' Compensation benefits.
- 9.062 Workers' Compensation benefits are subject to any deductions required by law or by court order (e.g., child support payments). Employees are responsible for making arrangements for payment of any voluntary payroll deductions.

- 9.063 **Employees, except for certain law enforcement officers, must use available Sick Leave, Vacation Leave, and Compensatory Time during the first 7 calendar days of lost time for a compensable injury.** After 7 calendar days, the department must code the employee's absences as Workers' Compensation.
- 9.064 **If an employee is eligible for FMLA leave and the Workers' Compensation injury is a Serious Health Condition under the FMLA, the department simultaneously designates the Workers' Compensation absences as FMLA leave.**

Employees do not receive Paid Leave or accrue Sick Leave while on Workers' Compensation leave except during the first 7 calendar days if they have available Paid Leave.

- 9.065 Employees who return to work for their regularly scheduled hours must use available Paid Leave for time off for doctor's appointments or any other follow-up treatment related to the compensable injury.

Obtain additional information regarding Workers' Compensation benefits from Human Resources & Risk Management.



Constable **May Walker** is photographed swearing in Deputy **Monica Bilbo** on the day she was promoted to **Sergeant** over the Harris County Constable Precinct Seven Domestic Violence Unit.

SECTION 10. EMERGENCY SITUATIONS

SECTION 10. EMERGENCY SITUATIONS

To be paid for absences such as, but not limited to, those described below, you will have to use available Vacation Leave, [Compensatory Time](#), Sick Leave (only if appropriate), or Floating Holiday(s). If you *miss work in these situations, even with your supervisor's approval, but do not have any appropriate Paid Leave, you will likely be docked*. Under certain circumstances, you may be allowed to work from home. Or if you miss work, your department may (or may not) allow you to make up the missed time.

You should save a reasonable amount of paid leave for personal emergencies or natural disasters.

10.01 DANGEROUS WEATHER AND DISASTERS

We provide important services for the people of Harris County on a daily basis. During disasters some of these services are critical, including emergency communications and rescue and recovery operations. Your department should have a plan for dangerous weather events. Some employees will be required to work before, during, and after a disaster to keep operations functioning. Others might be needed to support those essential operations. During those times, your job duties and where you perform them will likely change. Still others may be instructed to stay home and check in with their supervisors.

Know what your department plan is **before** an emergency, including whether you will be required to report to work during a disaster. Make sure you have discussed your role with your supervisor. If you are required to report to work during a disaster, you need to have plans (and back-up plans) for getting to your emergency work location and for taking care of your family, your home, and your pets. Update those plans frequently and discuss them with your supervisor.

10.02 BUILDING EMERGENCIES

If something happens that makes it unbearable for employees to remain at work or to function effectively, like the air conditioner or heater stops working, your supervisor may let you leave work. If you do not have appropriate Paid Leave to cover the absence or work to do from home, you will be docked.



Assistant Branch Manager **Gaby Prado** practices alphabet skills during Preschool Story Time at the Jacinto City Branch Library. Harris County Public Library's early literacy program, Growing Readers, helps prepare all young children for school.

SECTION 11. TELEWORK

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Harris County has developed a [Telework Policy](#) to promote telework as a means of achieving solutions to administrative efficiencies, reducing traffic congestion, addressing pandemics/epidemics, improving environmental quality, creating an atmosphere for employees to increase productivity and job satisfaction, and sustaining the hiring and retention of a highly qualified workforce by enhancing work/life integration.

No employee is entitled to, or guaranteed the opportunity to, telework. Offering the opportunity to telework is a management option, based on the discretion of the employee's immediate supervisor and Department Head. Department Heads have a right to refuse to make telework available and to terminate a telework arrangement at any time.

- 11.01** When teleworking, employees understand that they are accountable for their time and are expected to be regularly accessible and available to their supervisors and coworkers during their telework schedule using routine electronic means, including telephone, email, Microsoft Teams, and Skype.
- 11.011 Telework does not alter requirements to comply with an employee's duties and responsibilities and County and department policies. For example, they must follow their department's call-in and leave request procedures.
 - 11.012 Telework creates no additional overtime or compensatory time requirements. All overtime and compensatory time should be approved by management before being accrued.
 - 11.013 Employees who telework should be available to attend in-person meetings or report to a County office when requested. Teleworkers understand that they may be called to work in a County office on their regular telework schedule to meet department needs.
 - 11.014 Teleworking employees shall not hold in-person business meetings with internal or external clients, customers or colleagues at their telework site.
 - 11.015 Employees shall not conduct any unauthorized external (non-County) work while they are scheduled to telework.
 - 11.016 Employees shall maintain a safe and secure work environment at all times while teleworking, and will report any work-related injuries to their supervisor in a timely manner.

11.02 SUPPLIES

All departments will incur the cost for any expenses they approve for telework. Expenses for telework require the approval of the Department Head. The Department Head may delegate the authority to approve minimal telework expenses and should set spending limits accordingly.

- 11.021 General office supplies (such as paper and pens) will be provided by the telework employee's department and should be obtained by the employee at the department's worksite.
- 11.022 Out-of-pocket expenses for supplies normally available at the department's worksite will not be reimbursed.
- 11.023 The employee will be responsible for all costs associated with providing a space to telework and for providing furniture and other equipment for the space used for teleworking. Office furniture will not be provided to employees who telework.

11.03 CONFIDENTIAL INFORMATION

As a general rule, confidential and/or proprietary information may not leave County premises. If it is necessary for data to be downloaded or transported to be used off-site, employees must obtain approval of their supervisor and inform them of the methods being used to safeguard the information.

- 11.031 Employees must maintain the confidentiality of County information and documents, prevent unauthorized access to any County system or information, and dispose of work-related documents in a manner that will not jeopardize the interests of the County.
- 11.032 Failure to use due care in safeguarding confidential and/or proprietary information in all phases of possession (transportation, use, storage, and disposal) may be considered a performance matter that could end the telework agreement and subject the employee to disciplinary action.

11.04 HARDWARE, SOFTWARE AND DATA

Employees who telework are subject to the same internal County policies regarding the use of County provided equipment (hardware and software) and services as that of employees working at a County worksite. Employees shall not allow anyone, except authorized County employees, to use County-provided equipment (including hardware and software) and services.

- 11.041 Employees must keep County-owned property safe and avoid any misuse.

Specifically, employees must:

- Keep their equipment password protected.
- Store equipment in a safe and clean space when not in use.
- Follow all data encryption, protection standards and settings.
- Log out of any County applications and services when not in use.
- Disconnect from County remote access services when not working.
- Lock their workstation using CLT+ALT+DELETE when away from their computer.
- Refrain from downloading suspicious, unauthorized or illegal software.

Violation of the “Telework Policy” may lead to disciplinary actions, up to and including termination of the teleworker’s employment with Harris County.



Dr. Lawrence Thompson, Jr. (left), Director of Harris County Resources for Children and Adults' Integrated Health Services Division. Dr. Thompson is staffing a case with **Larionne Clark**, Clinic Program Coordinator (right). All Integrated Health Services are performed at the request of the Department of Family and Protective Services (DFPS), which help create long-lasting plans for children entering the care of DFPS.

SECTION 12. TIME OFF AND LEAVES OF ABSENCE

SECTION 12. TIME OFF & LEAVES OF ABSENCE

Harris County provides employees with several forms of Paid Leave described below. Employees may not take Paid Leave until they have worked at least one day. You should save a reasonable amount of Paid Leave for personal emergencies or natural disasters. You may not take more than 40 hours of Paid Leave in one workweek.

Department Heads have discretion to adopt policies prohibiting employees from performing any outside work or engaging in any extra-duty employment while out on sick and family medical leave.

12.01 OVERTIME COMPENSATION AND COMPENSATORY TIME

Based on available budgeted funds allocated for [Overtime](#) compensation, [Non-Exempt](#) employees are compensated for [Hours Actually Worked](#) in accordance with applicable law. **In lieu of cash payment for Overtime, [Compensatory Time](#) may be allowed.**

12.011 Earning Compensatory Time

12.0111 When cash payment is not made for [Overtime](#), [Non-Exempt Employees](#) accrue 1.5 hours of [Compensatory Time](#) for each hour worked over 40 hours in one workweek. [Exempt Employees](#) accrue 1 hour of [Compensatory Time](#) for each hour worked over 40 hours in one workweek.

12.0112 If the combination of *any* employee's [Paid Absences](#) and [Hours Actually Worked](#) exceeds 40 hours in one workweek, the employee accrues Compensatory Time on a straight time, hour-for-hour basis for each hour over 40.

12.0113 [Department Heads](#) who are not required to submit time records do not accrue Compensatory Time.

*The Compensatory Time balance must not exceed 240 hours and is carried forward indefinitely. **Department Heads may limit the amount of Compensatory Time you accrue by ensuring that you do not work more than 40 hours in one workweek. Department Heads may also force employees to use any part of the Compensatory Time balance for budgetary reasons, including to avoid paying cash for Overtime.***

12.0114 **Employees are prohibited from accruing Negative Compensatory Time.**

12.012 **Compensatory Time Limits**

12.0121 If a Non-exempt Employee's Compensatory Time balance reaches 240 hours, the employee will be paid cash for all hours worked beyond 240.

12.0122 If an Exempt Employee's Compensatory Time balance reaches 240 hours, the employee will not accumulate any more Compensatory Time regardless of the number of hours worked until the balance is reduced. Exempt Employees are not compensated for Overtime other than the accumulation of 240 hours of Compensatory Time. To maintain accurate County records, exempt employees who have exceeded the maximum compensatory time accrual limit must still record all the hours they actually worked on their timesheets.

12.013 **Using Compensatory Time**

12.0131 An employee's request to use Compensatory Time is **subject to the Department Head's approval** and must not unduly disrupt the operation of the department.

12.0132 Department Heads may compel employees to use any part of their Compensatory Time balance for budgetary reasons and for the best interest of the department.

12.0133 When employees who have both non-exempt and exempt Compensatory Time balances use Compensatory Time, the Compensatory Time used will be deducted from the non-exempt balance first.

12.014 **Final Payment of Compensatory Time Balance**

12.0141 When you leave the County,

- Any balance of Compensatory Time you earned as a [Non-Exempt Employee](#) gets paid based on your final regular rate of pay or in accordance with applicable law.
- Half of any balance of Compensatory Time you earned as an [Exempt Employee](#) gets paid based on your final regular rate of pay.

12.0142 Employees who become a [Department Head](#) by election, appointment or ratification by Commissioners Court, or designation by the County Administrator, receive final payment of their Compensatory Time balance within 30 days of their election, appointment or ratification or designation.

12.0143 If you leave your job and get re-hired by the County without a [Break in Employment](#), you will not get paid for any Compensatory Time balance. The balance will transfer to your new department. You

must work at least one pay period for the new department before using any available paid leave.

Employees who leave one department to accept a position in another department without a Break in Employment keep their Compensatory Time balance.

12.02 HOLIDAYS

Each year Commissioners Court approves the paid Holidays for the next calendar year. Once on [Active Duty](#), [Regular Position Employees](#) are paid for Holidays subject to the restrictions below.

12.021 All Regular Position Employees will receive 8 hours of holiday pay regardless of their schedule.

12.022 Employees who work on the Holiday will be compensated for the Hours Actually Worked plus the Holiday hours.

Example: John, a Regular Position Employee, is scheduled to work 10 hours per day Monday through Thursday. Monday is a Holiday. If John is a non-exempt employee, he must make up the other two hours during the same workweek either by working or posting Vacation Leave or Compensatory Time. Departments may allow or require employees who usually work four ten-hour days to convert to five eight-hour days for that week.

12.023 Floating Holiday

12.0231 If Commissioners Court approves a Floating Holiday (8 hours), then Regular Position employees may take that Floating Holiday on any working day during the Payroll Year subject to the Department Head's discretion.

12.0232 *An employee may carry two unused Floating Holidays (16 hours) over to the next Payroll Year. An employee will never have more than three Floating Holidays (24 hours) available.*

Employees are strongly urged to reserve Floating Holidays for inclement weather and natural disasters.

12.0233 Floating Holidays may be taken in increments.

- 12.0234 Department Heads can adopt internal policies about scheduling the Floating Holiday, including denying requests that were not pre-scheduled and pre-approved, prohibiting employees from using their Floating Holiday until they have worked some minimum amount of time, and requiring employees to schedule the time off around business needs.
- 12.0235 An employee who resigns and goes to work for another County department does not get a new Floating Holiday until the next Payroll Year. Unused Floating Holidays follow an employee who changes departments without a Break in Employment.
- 12.0236 Only Regular Position Employees receive floating holidays. Regular Position Employees who move to a Part Time Position or Temporary Position within the same department or another County department without a Break in Service forfeit any Floating Holiday balances that are not used before being moved to a Part Time Position.

12.03 VACATION LEAVE

The County provides vacation leave for all [Regular Position Employees](#). Vacation Leave accrues at the rates and to the maximums in this table.

Years of Continuous Employment As a Regular Position Employee		Accrual Per Payroll Week	Maximum Vacation Leave Accrual During the Calendar Year	Maximum Balance
At Least	Less Than			
New Hire to	5 Years	1.54 Hours	10 Days/80 Hours	280 Hours
5 Years	15 Years	2.31 Hours	15 Days/120 Hours	280 Hours
15 Years	25 Years	3.08 Hours	20 Days/160 Hours	280 Hours
25 Years		3.85 Hours	25 Days/200 Hours	280 Hours

- 12.031 You can only take vacation on normally scheduled workdays and must get prior approval from your supervisor. Department Heads can adopt policies about scheduling Vacation Leave, including denying requests that were not pre-scheduled and pre-approved, prohibiting employees from using Vacation Leave until they have worked some minimum amount of time, and requiring employees to schedule vacations around business needs.

- 12.032 Employees who become a [Department Head](#) by election, appointment or ratification by Commissioners Court or designation by the County Administrator, get paid any Vacation Leave balance within 30 days of their election, appointment or ratification or designation. Department Heads who become a [Regular Position Employee](#) with no [Break in Employment](#) will receive credit for the years they served as a Department Head in determining their vacation accrual rate.
- 12.033 Regular Position Employees who move to a Part Time Position or Temporary Position within the same department or another County department without a Break in Service forfeit their Vacation Leave balances. Be sure to use your vacation before you move!

12.04 SICK LEAVE

- 12.041 The County provides all [Regular Position Employees](#) with Paid Sick Leave for absences due to personal illness, personal injury, or an appointment with a health care provider, as that term is defined in FMLA § 11.1014. **You must not work another job during the hours you miss work because you are sick or claim Family Sick and Wellness Leave.**
- 12.042 Regular Position Employees accrue Sick Leave at a rate of 4 hours per pay period. The maximum accrual is 720 hours/90 days.
- 12.043 Sick Leave can be taken the pay period after an employee is hired subject to the employee's department's internal policies and procedures.
- 12.044 **Family Sick and Wellness Leave**
Employees may use up to 120 hours of Sick Leave per Payroll Year to care for an [Immediate Family Member](#) who is sick or to seek preventative or routine health care for themselves or an [Immediate Family Member](#). Family Sick and Wellness Leave is deducted from the employee's Sick Leave balance.
- 12.045 You should tell your supervisor as soon as practicable when taking Sick Leave or Family Sick and Wellness Leave.
- 12.046 To substantiate a request for a non-FMLA qualifying reason, Department Heads may require you to provide a statement of a health care provider for any period of Sick Leave, including Family Sick and Wellness Leave.
- 12.047 For immediate family members not on the employee's insurance, proof of family relationship may also be required, e.g. birth certificates, a marriage certificate, a court order, photos, a certification form, or a combination thereof. If the Family Sick Leave also qualifies for FMLA, a completed FMLA certification may be sufficient.

- 12.048 **If you use Sick Leave or Family Sick and Wellness Leave for 4 or more consecutive workdays, you *must* give your department a health care provider's statement indicating the onset and duration of the illness. Otherwise, you will not be allowed to use Sick Leave or Family Sick and Wellness Leave for the 4th day.** Department Heads must determine whether the absence is FMLA qualifying as soon as possible.
- 12.049 If you do not submit a healthcare provider's statement timely, you may not take Sick Leave or Family Sick and Wellness Leave for the period.
- 12.050 Employees who have a [Break in Employment](#) forfeit all accrued Sick Leave. Department Heads who forfeited their sick leave balances when they became Department Heads get their prior sick leave balances restored if they become a [Regular Position Employee](#) again without a break in service.

12.05 SICK LEAVE POOL

The purpose of the Sick Leave Pool Program is to alleviate the financial, health and emotional hardship caused when a Catastrophic Injury or Illness forces an employee to exhaust all accrued paid leave and subsequently lose compensation and benefits from Harris County.

12.051 Eligibility

To participate in the program, including contributing to, and receiving benefits from the Pool, [Regular Position Employees](#) must meet the following requirements:

1. Have been continuously employed by the County for at least twelve (12) months immediately preceding participation in the program.
2. Must enroll in the program by donating between a minimum of eight (8) hours to a maximum of (40) hours of Sick Leave and/or Vacation Leave to the Pool each Fiscal Year during the registration period.

Participation in the program ceases once an employee is no longer in a Regular Position.

12.052 Enrollment (Donations)

Upon eligibility, an employee may enroll in the program by donating between a minimum of eight (8) hours to a maximum of forty (40) hours of Sick Leave and/or Vacation Leave to the Pool each Fiscal Year during enrollment period(s). The donation cannot cause the employee's combined Sick Leave or Vacation Leave balance to fall below eighty (80) hours.

Donations to the Pool are strictly voluntary; however, to be eligible to use Catastrophic Leave from the Pool, an employee must donate to the Pool each Fiscal Year.

12.0521 Time donated to the Pool is irrevocable and is not designated to any particular employee. Enrollment in the Program and donation to the Pool is not a guarantee that an employee will receive any Catastrophic Leave from the Pool.

12.0522 When an eligible employee voluntarily or involuntarily separates employment from the County, the employee may donate up to an additional ten (10) days (80 hours) of combined Sick and Vacation Leave hours to take effect immediately before the effective date of separation.

12.053 Catastrophic Leave Requests

12.0531 Catastrophic Leave is defined as a "Serious Health Condition" as defined under the Family Medical Leave Act (FMLA) in Section 11.1017 of the Harris County Personnel Policies and Procedures. FMLA defines a serious health condition as an illness, injury, impairment, or physical or mental condition that involves (A) inpatient care in a hospital, hospice, or residential medical care facility; or (B) continuing treatment by a health care provider.

12.0532 A Serious Health Condition includes ailments such as, but not limited to, cancer, myocardial infarction, stroke, chronic obstructive pulmonary disease, chronic liver disease and cirrhosis, chronic kidney disease and injuries from accidents, including motor vehicle accidents. Incapacity or disability related to pregnancy is considered a serious health condition (does not apply to bonding time after pregnancy). Catastrophic Leave requests for stress-related illness, including mental distress and depression, may only be granted for hospitalization.

12.0533 Only eligible employees enrolled in the Program are permitted to request and receive Catastrophic Leave from the Pool for their own serious health condition. Catastrophic Leave cannot be used to care for a family member.

12.0534 Employees who are placed on an approved leave of absence are not eligible to receive Catastrophic Leave from the Pool.

- 12.0535 The employee must have a Catastrophic Injury or Illness and must have exhausted all accrued paid leave and compensatory time before requesting Catastrophic Leave from the Pool. The employee must be absent at least ten (10) continuous work days before receiving Catastrophic Leave from the Pool.
- 12.0536 The maximum amount of Catastrophic Leave that can be given to an employee in a rolling twelve (12) month period is the lesser of:
- The number of hours needed to cover the employee's absence due to the Catastrophic Injury or Illness,
 - Sixty (60) work days (480 hours), or
 - One-third of the total amount of time in the Pool.
- 12.0537 Catastrophic Leave will be administered on a first-come, first-serve basis, determined by the date or time when all necessary information has been provided. The Administrator determines eligibility and the amount of Catastrophic Leave given. All decisions by the Administrator are final.
- 12.0538 Catastrophic Leave is treated for all purposes as if the employee were absent on Sick Leave. All Catastrophic Leave used from the Pool will count towards the employee's available FMLA entitlement.
- 12.0539 All unused Catastrophic Leave granted to the employee shall be returned to the Pool under any of the following conditions:
- The employee returns to work full-time;
 - The employee voluntarily or involuntarily separates employment with the County;
 - The employee becomes deceased;
 - The employee voluntarily cancels their participation in the Program; or
 - The employee violates this policy and/or commits fraud or misrepresentation in the request or use of Catastrophic Leave;

An estate of a deceased employee is not entitled to payment for unused Catastrophic Leave acquired by the employee from the Pool.

12.054 **Coordination with Other Benefits**

- 12.0541 An employee is no longer permitted to receive or use Catastrophic Leave when they become eligible to receive Workers' Compensation indemnity benefits, long-term disability benefits, Social Security disability benefits, or any other supplemental benefits.

12.0542 An employee receiving Catastrophic Leave may not perform any outside work or engage in any extra duty employment while using Catastrophic Leave.

12.06 JURY AND WITNESS DUTY

12.061 [Regular Position Employees](#) are eligible for paid leave if they are appointed to serve on a grand jury or are required by court order or subpoena to serve on a jury or appear as a witness in a federal, state, county, or municipal court on a day and during the hours that you are normally scheduled to work. **Tell your supervisor as soon as possible after getting a jury summons or a witness subpoena.**

To qualify for Jury or Witness Duty pay, you must tell your supervisor each day you are scheduled to go to court and provide documentation from the court confirming the date(s) and time(s) you were there.

12.062 If you do not serve the entire day, you may return to work. The time spent driving from the courthouse directly to the worksite counts as Jury or Witness Duty. If you do not go to work, you are only paid for the hours you actually spent in court.

12.063 You will get paid up to 8 hours per day for Jury or Witness Duty. If the combination of Jury or Witness Duty and Hours Actually Worked is more than 8 hours, lower the Jury or Witness Duty hours on your timesheet so your work plus jury/witness hours total 8 hours per day.

12.064 Give a copy of your summons or subpoena and the statement from the court to your payroll clerk with your timesheet.

Example: Rachel reports for Jury Duty at 8 a.m. She is released at 12 p.m. and drives straight to work, arriving at 12:30 p.m. She works 12:30 p.m. to 6 p.m. She first records 12:30 p.m. to 6 p.m. (5.5 hours) as work time and then records 2.5 hours as Jury Duty.

12.065 You do not get Witness Duty pay for:

- appearing in court as a plaintiff or a defendant;
- appearing as a prospective witness on a personal matter; or
- testifying as an expert.

12.066 You can keep any fees you get for serving on a jury or grand jury. If you use Witness Duty on your timesheet, you have to give all subpoena or witness fees you receive to the County Treasurer.

- 12.067 If you testify in a case as a fact witness or an expert witness about your official duties, record that on your timesheet as [Hours Actually Worked](#). You may not get paid from any other source.

12.07 MILITARY LEAVE

We are extremely proud of our employees who serve in the military.

- 12.071 Reservists should tell their supervisors about their regular monthly training for the year as soon as they know it.
- 12.072 If you are ordered into active military service, you will get the employment and re-employment benefits granted by federal and state laws. Give your written duty orders to your Department Head or Department HR person as soon as possible.

Military Leave is not limited to six months like a regular LOA.

12.073 Temporary Military Leave

Pursuant to Texas Government Code Ann. §437.202, members of the state military forces, a reserve component of the U.S. armed forces, or a state or federally authorized urban search and rescue team may take a Temporary Military Leave *with pay* on a day they are regularly scheduled to work but are engaged in authorized training or duty ordered or authorized by a proper authority. **Temporary Military Leave does not exceed 15 days or 120 hours per federal fiscal year (October 1 - September 30).**

- 12.074 The County provides up to an additional seven (7) workdays in a federal fiscal year if a qualifying employee is called up to state active duty by the governor or another appropriate authority in response to a disaster. To receive the extra seven (7) days or 56 hours, the department will need to submit a request to Central Human Resources requesting the additional hours be added to the employee's military leave balance.

12.08 PAID PARENTAL LEAVE

Harris County proudly promotes a family-friendly workplace by providing paid leave to eligible employees to bond and care for a child after the birth, adoption, or foster-to-adopt placement.

- 12.081 The **Rolling 12 – Month Period** in this section is defined as a period of 12 consecutive months on a rolling basis, with a new 12-month period starting after the exhaustion of the employee's previous approved Paid Parental Leave or the last day the employee used Paid Parental Leave.

12.082 Eligibility

12.0821 To be eligible for Paid Parental Leave and Infant Sick Leave, employees must meet the following criteria:

- Be a full-time, [Regular Position Employee](#) (part-time and temporary employees are not eligible); and
- Been continuously employed with the County as a full-time, regular employee for at least 180 consecutive calendar days immediately preceding the birth, adoption, or foster-to-adopt placement of a child.

In addition, employees must meet one of the following criteria:

- Be a new parent by birth of a child;
- Be the new adoptive parent of a child who is 17 years or younger; or
- Be the foster parent to a new foster-to-adopt child who is 17 years or younger and placed with the foster parent.

*This policy applies to a child that is newly added to the household through birth, adoption, or foster care and not a child who is already a member of the household. **This policy also does not apply to the adoption of a stepchild by a stepparent. If both parents work for Harris County, then each employee is entitled to their own paid leave***

12.083 Amount and Use of Leave

12.0831 Starting March 12, 2022, employees who have reached 45 consecutive calendar days of employment but have not reached 180 consecutive calendar days of continuous employment immediately preceding the birth, adoption, or foster-to-adopt placement of a child may receive Paid Parental Leave as outlined in the following table.

Continuous Employment As a Regular Position Employee		Maximum Paid Parental Leave During Rolling 12-Month Rolling Calendar Year
At Least	Less Than	
45 Days	90 Days	2.5 Weeks/100 Hours
90 Days	180 Days	5 Weeks/200 Hours
180 Days		10 Weeks/400 Hours

****Employees will not receive more than the allotted maximum balance within a rolling 12 - month period starting from the exhaustion of any previous approved Paid Parental Leave.**

Example: *Brian is expecting a child with his significant other and has applied for Paid Parental Leave. He has been employed with the County for 45 consecutive calendar days, but will not have 180 consecutive calendar days of employment before the expected birth of his child to be eligible for the maximum 10 weeks (400 hours) of Paid Parental Leave. However, Brian will be eligible to use 100 hours of Paid Parental Leave immediately preceding the birth of his child. He may also use other available paid leave, such as accrued vacation or compensatory time, with his department head's approval for parental support purposes.*

- 12.0832 Employees will not receive more than the maximum allotted amount of Paid Parental Leave in a rolling 12-month period starting from the exhaustion of the previous approved Paid Parental Leave or the last day the employee used Paid Parental Leave, regardless of whether more than one birth, adoption, or placement event occurs within that 12-month time frame.
-

Example: *Kimberly adopted a child with an effective court order date of February 5, 2021. She used 8 weeks of Paid Parental Leave from July 14, 2021 to September 8, 2021. Kimberly adopted another child, with an effective court order date of May 26, 2022 and will be eligible for 10 weeks of Paid Parental Leave starting September 9, 2022, which is 12 months after the exhaustion of the previous Paid Parental Leave.*

- 12.0833 For child bonding purposes, Paid Parental Leave must be used entirely before other forms of paid or unpaid leave are used after the birth, adoption, or foster-to-adopt placement of a child.
- 12.0834 Approved Paid Parental Leave may be taken at any time during the 12-month period immediately following the birth, adoption or foster-to-adopt placement of a child with the employee. Paid Parental Leave may not be used or extended beyond this 12-month time frame.
- 12.0835 Employees must take Paid Parental Leave in one continuous period of leave unless the employee's Department Head allows the employee to use Paid Parental Leave intermittently.
-

- 12.0836 Paid Parental Leave is compensated at the employee's regular rate of pay. Any unused Paid Parental Leave is not compensable and will be forfeited at the end of the 12-month time frame or when an employee separates from employment with Harris County or moves to an ineligible position, whichever occurs first.
- 12.0837 **Recipients of Paid Parental Leave must maintain employment with Harris County for at least 180 consecutive calendar days of continuous service immediately after the expiration of approved leave, or reimburse Harris County for the Paid Parental Leave funds received.**
- 12.0838 **Harris County shall be entitled to recover from the employee any Paid Parental Leave funds received if such employee does not return to work for at least 180 days of continuous service after receiving Paid Parental Leave.**
- 12.084 **Requesting Paid Parental Leave**
- 12.0841 Employees should notify their supervisor or Department Head of their intention to request Paid Parental Leave as soon as practicable and provide them with the anticipated start date and duration of the leave.
- 12.0842 To receive Paid Parental Leave, eligible employees must complete a [Request for Paid Parental Leave Form](#) and submit it to their department's human resources representative.
- 12.0843 The request must include appropriate documentation that shows the employee's use of Paid Parental Leave is directly connected to a birth, adoption, or foster-to-adopt placement of a child. If the employee is eligible for FMLA leave, the FMLA leave requirements will govern, and the FMLA documentation provided will be used to verify eligibility.
- 12.0844 If the employee is not eligible for FMLA leave, proof of the birth or placement of the child must be provided. The employee's name must be included as a legal parent on the birth certificate or legal document establishing paternity or establishing adoption/placement.
- 12.0845 Documentation of the birth or adoption/placement of a child should be submitted as soon as it becomes available and no later than thirty (30) days after the birth or adoption/ placement.
- 12.0846 If the employee fails to provide the Department Head with the required documentation or certification within the specified time period, the Department Head may determine that the employee is not entitled to Paid Parental Leave and may require that the absence be charged to leave without pay or other forms of paid time off.

- 12.0847 To validate an absence, appropriate documentation may be required at any time if requested by the department, Central HR, or Payroll.

Employees begin their Paid Parental Leave on the date specified in their request unless their child is born or adopted earlier or later. In these cases, employees need to notify their department and Central HR as soon as possible to be able to begin leave.

12.085 Limitations of Paid Parental Leave

- 12.0851 An employee may not use Paid Parental Leave in excess of the employee's normally scheduled workweek.
- 12.0852 For Paid Parental Leave to be used on a part-time (intermittent) basis, the leave schedule must be consistent with the department's operational needs and be approved in writing by the Department Head prior to the beginning of the leave.
- 12.0853 Eligible employees are strongly encouraged to plan in advance for when they expect to use Paid Parental Leave and communicate their plans to their immediate supervisor or Department Head, so they can do the necessary planning for their department's operational needs.
- 12.0854 **Paid Parental Leave must be used only for caring for or bonding with the child. Employees are not allowed to engage in any employment during the time the employee is taking Paid Parental Leave.** Department Heads may also adopt policies prohibiting their employees from engaging in any employment while on any type of paid leave including Paid Parental Leave. Department Heads may take disciplinary action against an employee who uses Paid Parental Leave for purposes other than those described in this policy.
- 12.0855 Employees out on Workers' Compensation or Leave of Absence (LOA) are not eligible for Paid Parental Leave.

12.086 Coordination with Other Leave

- 12.0861 Paid Parental Leave is a supplement to the employee's existing sick and other leave at the time of the qualifying event (birth, adoption, or foster-to-adopt placement).
- 12.0862 Paid Parental Leave is designed to run concurrently with FMLA and is not intended to extend the 12-week FMLA period. An employee on Paid Parental Leave who meets the FMLA eligibility requirements will be placed on FMLA leave at the start of the Paid Parental Leave.

If the employee meets FMLA eligibility during the Paid Parental Leave period, the employee will be placed on FMLA at that time. All other requirements and provisions under the FMLA will apply.

- 12.0863 The County will maintain all benefits for employees during the Paid Parental Leave period just as if they were taking any other County paid leave.

Employees must follow their department's call-in procedures and provide periodic status reports to their department when on Paid Parental Leave.

12.09 INFANT SICK LEAVE

In recognition of the additional medical care needs of infants after birth, Harris County will provide eligible employees up to 40 hours of Infant Sick Leave to seek medical care for their infants during the infant's first year. An employee will not receive more than the maximum allotted amount of Infant Sick Leave in a rolling 12-month period, regardless of whether more than one birth, adoption, or foster-to-adopt placement event occurs within that 12-month time frame. The Infant Sick Leave expires a year after the birth and also applies to adopted and foster-to-adopt placement infants. Eligible employees must provide medical documentation to support the need to use Infant Sick Leave.

12.10 LACTATION/BREASTFEEDING

Harris County supports breastfeeding mothers by accommodating their desire or need to express milk during the workday. Departments will give a reasonable amount of break time and a place, other than a bathroom, which is shielded from view and free from intrusion from others to express milk. If you need assistance locating or establishing a Lactation Room, please contact HRRM or Facilities & Property Maintenance. Break times more than 20 minutes are unpaid. Retaliation against women who exercise their rights under this policy is strictly prohibited.

12.11 LEAVE OF ABSENCE WITHOUT PAY (LOA)

- 12.011 [Regular Position Employees](#) who have exhausted their Vacation Leave, Compensatory Time, Sick Leave, and FMLA leave, if applicable, and have extenuating circumstances may request an unpaid Leave of Absence for up to 6 months. If you do not return from a leave on the date approved, you will be separated from the payroll. Give your [Department Head](#) at least 30 days' written notice asking for the LOA and specifying when and why you need it. Departments can waive the 30-day notice requirement.

- 12.012 Employees on Leave of Absence do not get paid for the holidays.

- 12.013 **Department Heads may place a Regular Position Employee who has exhausted available paid leave and is unable to return to work on LOA without the employee's permission with written notice to the employee.**
- 12.014 People on LOA:
- Must return all County equipment (e.g., keys, badges, laptops) before the leave;
 - Are not employees;
 - Do no work for the County; and
 - Have no job protection.
- 12.015 During an LOA, you are not eligible for Harris County health insurance unless you elect to continue health insurance coverage under the terms of COBRA. If you choose COBRA during an LOA and return to Active Duty, you will not have a 2-month waiting period for Group Health and Related Benefits.
- 12.016 People who return to Active Duty before or at the end of an LOA keep the benefit of any previously accrued Creditable Service.
- 12.017 Upon the expiration of an LOA, if the [Department Head](#) fails to do one of the following:
- return the individual to Active Duty in the same position and salary; or
 - return the individual to Active Duty in another position and salary; or,
 - remove the individual from the payroll by submitting a Change in Status Form.
- 12.018 The Auditors Office will automatically remove the individual from the payroll effective the expiration date of the LOA.

12.12 FUNERAL / BEREAVEMENT LEAVE

- 12.121 [Regular Position Employees](#) may take up to 3 days off (up to 24 hours) with [Department Head](#) approval for the death of an [Immediate Family Member](#). (See § 1.07).
- 12.122 The number of hours you get is prorated based on the number of hours you are regularly scheduled to work up to 8 hours per day. You must take the leave within 5 days of the funeral or date of death. Your Department Head may let you take more time off using [Compensatory Time](#), Vacation Leave, or [Unpaid Leave](#).
- 12.123 Department Heads may require you to provide proof of death and/or family relationship.
- 12.124 If you are already on [Unpaid Leave](#) or Workers' Compensation, you are not eligible for Funeral Leave.
- 12.125 If your [Immediate Family Member](#) dies while you are on vacation, you may ask to change your Vacation Leave to Funeral/Bereavement Leave.

12.126 If a County employee, appointed official or elected official, or someone closely associated with the County dies, a Department Head may approve representation at the funeral. Employees who attend by direction of their Department Head are representing the County therefore, the hours spent at the funeral are Hours Actually Worked.

12.13 FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act (FMLA) provides eligible employees with leave (with or without pay), certain benefits protection, and job restoration for qualifying events. It is an important right and we encourage you to apply for FMLA if you ever need it. Here is a general description of the FMLA. If this policy conflicts with the FMLA, employees will get the rights required by law. Key employees may be excluded from certain FMLA protections and will be notified of their “key employee” status if they request FMLA leave; however, Department Heads are deemed Key employees. **If we reasonably believe that an employee has taken FMLA leave for a fraudulent reason, we may discipline the employee.**

12.131 DEFINITIONS

The words and terms defined in this section have the meaning given unless the context clearly indicates another meaning.

12.1311 Child

A biological, adopted, foster, or stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is under 18 years of age or who is 18 years of age or older and is incapable of self-care because of a mental or physical disability.

12.1312 Employment Benefits

All benefits the County provides or makes available to Eligible Employees, including group life, health, and disability insurance, Sick Leave, and Retirement.

12.1313 Group Health Plan

Any plan of, or contributed to by, the County to provide health care to employees or the families of such employees.

12.1314 Health Care Provider

A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State of Texas; or any other person determined by the United States Secretary of Labor. Chiropractors are only health care providers under the FMLA if they are providing treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist.

12.1315 **Intermittent Leave**

Leave taken in separate blocks of time due to a single illness or injury, rather than one continuous period of time, which may include periods from a portion of an hour or more to several weeks.

12.1316 **Parent**

The biological parent of an employee or an individual who stood *in loco parentis* to the employee when the employee was a child.

12.1317 **Serious Health Condition**

a. An illness, injury, impairment, or physical or mental condition that involves: overnight, inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care; or

b. continuing treatment by a licensed health care provider.

Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Example: Chronic serious health conditions include things like, *diabetes, lupus, multiple sclerosis, PTSD, and other qualifying emotional and mental illnesses.*

c. A permanent or long-term condition for which treatment may not be effective. You or your covered family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

Example: This includes conditions such as *Alzheimer's, a severe stroke, or terminal stages of a disease.*

d. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than 3 consecutive days in the absence of medical intervention or treatment.

Example: This includes treatment for conditions such as *cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).*

e. Any period of incapacity due to pregnancy or for prenatal care.

12.132 Eligibility

You must have worked for the County for a total of at least 12 months within the past 7 years and have worked at least 1,250 hours during the 12 months before you begin FMLA leave.

12.133 Qualifying Events

FMLA leave can be for one or more of the following events:

12.1331 Any incapacity due to pregnancy, prenatal medical care, or childbirth.

12.1332 To care for your child after birth or placement for adoption or foster care within 12 months of the birth or placement of the child.

- Spouses who work for the County do not need to split the 12 workweeks for the birth or placement of a child or to bond with a newborn or newly placed child.

12.1333 To care for yourself, your spouse, child, or parent (not in-law) with “serious health condition” as defined in §11.1017.

12.1334 Qualifying exigencies arising because your spouse, child, or parent is a covered military member either on active duty or has been notified of an impending call or order to active duty, in support of a contingency operation in a foreign country.

The qualifying exigencies are:

1. short-notice deployment (no more than 7 days),
2. military events and activities,
3. child care and school activities,
4. financial and legal arrangements,
5. counseling,
6. rest and recuperation (up to 5 days),
7. post-deployment activities,
8. care for military member’s parent who is incapable of self-care when care is necessitated by member’s covered active duty; and
9. additional activities that arise out of active duty that your department agrees to.

12.1335 Military caregiver leave to care for an injured or ill service member or veteran who is your spouse, son, daughter, parent, or next of kin undergoing medical treatment, recuperation, or therapy for a serious injury or illness sustained in the line of active duty. For veterans, this leave is only available for 5 years after discharge.

If you have questions regarding what is a qualifying event under the FMLA, contact Human Resources & Risk Management.

12.134 **Amount and Use of Leave**

- 12.1341 You may take up to 12 weeks of FMLA leave per calendar year for qualifying events listed in § 11.1031 – 11.1034. You may take up to 26 weeks for military caregiver leave in a single 12-month period measured forward from the first day of military caregiver leave. Spouses who work for the County must split the 26 workweeks for military caregiver leave. If you take Military Caregiver Leave and any FMLA leave for another qualifying event the total combined leave may not exceed 26 workweeks during a single 12-month period.
- 12.1342 If you qualify for FMLA, you may use it continuously, intermittently, or on a reduced leave schedule. Department Heads have the discretion to deny intermittent leave for the birth or placement of a child or to bond with the child.
- 12.1343 If you need leave intermittently or on a reduced schedule for planned medical treatment, **you must try to schedule the treatment to avoid disruption to the department.** We might temporarily transfer you to another position with equivalent pay and benefits if it makes it easier on the Department.
- 12.1344 If you use continuous FMLA leave (and are not on workers' compensation) you must use all paid time available on the first day of leave before using unpaid FMLA leave. For intermittent FMLA leave, you have to use all available paid time before taking unpaid FMLA leave. Sick Leave is only applicable if the Qualifying Event is your own serious health condition or if you use Family Sick and Wellness Leave for the serious health condition of a spouse, parent, or child.
- 12.1345 Most injuries covered by workers' comp leave also qualify as a serious health condition under FMLA. If the employee on workers' comp leave is eligible for FMLA, we will designate the absences as both Workers' Compensation and FMLA.

Employees are strictly prohibited from performing their regular job duties for Harris County or any other employer while out on FMLA.

12.135 **Requesting FMLA Leave**

- 12.1351 If you need FMLA leave tell your supervisor or payroll clerk either orally or in writing. You have to give us sufficient information to determine whether the leave qualifies for FMLA protection and the anticipated timing and duration of the leave.

Calling in “sick” without giving more information is not sufficient notice that you need FMLA leave.

- 12.1352 If the need for leave is foreseeable, you have to notify your department at least 30 days prior to taking FMLA leave. If the need for FMLA arises unexpectedly, notify your department as soon as practicable. If you don't, it may delay the start of the leave.
- 12.1353 Within five business days after you give sufficient notice, your department representative will give you [Auditor's Form 0455B](#), the Notice of Eligibility and Rights and Responsibilities and the applicable FMLA certification:
- [Auditor's Form 0456A](#) - FMLA Certification of Employee's Serious Health Condition;
 - [Auditor's Form 0456B](#) - FMLA Certification of Family Member's Serious Health Condition;
 - [Auditor's Form 0456C](#) - FMLA Certification of Qualifying Exigency for Military Family Leave;
 - [Auditor's Form 0456D](#) - FMLA Certification for Serious Injury or Illness Current Service member;
 - [Auditor's Form 0456E](#) - FMLA Certification for Serious Injury or Illness of Veteran.

You must return the completed certification within 15 calendar days or your request may be denied unless you give the department a reasonable explanation of why you need more time.

- 12.1354 If you are absent from work for 4 consecutive calendar days and your supervisor is uncertain whether the absence is for a Qualifying Event, your department may call you to discuss the situation. Of course, any time you are absent, we have the right to ask you about it. The department may also send the appropriate FMLA forms to you and start preliminarily designating your absences as FMLA leave. If it turns out that FMLA does not apply, we will remove the preliminary designation.

12.136 Obtaining Clarification or Authentication

- 12.1361 If the medical certification is incomplete or insufficient, the department representative will use [Auditor's Form 0457](#), FMLA Designation Notice, to tell you what information is still needed. You will get at least 7 calendar days to provide the missing information.

12.1362 After you have had the chance to cure any deficiencies, someone other than your immediate supervisor, may, with your permission, communicate with the Health Care Provider to clarify the certification. Your immediate supervisor will not contact your healthcare provider. If you do not authorize us to clarify the certification or get the requested clarification yourself, we may deny your FMLA leave request.

In all instances, it is YOUR responsibility to provide a complete and sufficient certification. If you don't, it may result in the denial of FMLA leave.

12.1363 Someone other than your immediate supervisor may communicate with the Health Care Provider to authenticate any medical certification. We do not need your permission to do that.

12.1364 In certain circumstances, the Department has the right to require an employee to obtain a second or third opinion at the Department's expense. Departments must consult the County Attorney's Office before seeking a second or third medical opinion.

12.137 **Designation of FMLA Leave**

12.1371 Within five business days of getting the completed appropriate certification form, we will give you a written notice on [Auditor's Form 0457](#), FMLA Leave Designation Notice, stating whether your request qualifies for FMLA, and, if so, describing the conditions of the leave and the requirements for returning to work.

12.1372 **As stated above, we can designate absences as FMLA without an employee's permission if we have information that the absences qualify for FMLA and notify the employee in writing.**

12.138 **Re-Certification**

12.1381 We can request recertification of the serious health condition (whether yours or your family member's) if (1) you ask to extend the leave, (2) when circumstances have changed, or (3) if the department receives information casting doubt on the reason given for the absence.

12.1382 We may also request recertification every six months in connection with an FMLA absence.

12.1383 If you need FMLA due to your own health condition or that of a family member that lasts beyond a calendar year, you will be expected to provide a new medical certification each year.

12.139 **Your Health and Related Benefits During Leave**

Harris County maintains Group Health Plan coverage for employees on FMLA under the same conditions as if you had continued to work.

12.1391 If you choose to continue coverage while on unpaid FMLA leave, you have to pay your share of the premiums, if any. Harris County will bill you bi-weekly. If Harris County does not get payment within 30 days of the due date, your coverage will end on the 31st day.

12.1392 If you choose not to return from FMLA or if you work less than 30 calendar days after returning to work, Harris County will bill you for any premiums Harris County paid for maintaining your benefits while you were on [Unpaid Leave](#).

12.1393 Departments are responsible for notifying Human Resources & Risk Management if an employee fails to return to work.

12.140 **Job Protection**

12.1401 If you return to work before or on the working day after your authorized FMLA leave expires, you will get your job back or an equivalent job with equivalent benefits, pay, and other terms and conditions of employment.

12.1402 If you do not return to work after your FMLA, you may be disciplined, including termination. Check in with your department as the end of your leave approaches to discuss what options you might have.

12.1403 Deputies out on workers' compensation leave who have exhausted FMLA leave and are unable to return to work at the end of their Department Head's term are subject to having their employment terminated at the end of the current term of office.

12.141 **Status Reports and Intent to Return to Work**

Stay in touch with your department. We want to know how you are doing. Your department will tell you who to talk to and how often to call on the Notice of Eligibility and Rights & Responsibilities (Form 0455B). If you are on intermittent FMLA, you still have to follow your department's call-in procedures for reporting an absence unless you have extenuating circumstances. Employees may be subject to disciplinary action, up to and including termination, if they fail to provide status reports or follow call-in procedures.

12.142 Fitness for Duty and Return to Work Documentation

If you take continuous FMLA leave for your own serious health condition, we expect you to return to work when your health care provider releases you. If your doctor releases you with restrictions, contact your department right away to discuss those restrictions and your work status. We will tell you on the designation notice if you are required to have a fitness for duty certification to return to work. Failure to submit a fitness for duty certification may delay, or result in the denial of, reinstatement.

We know FMLA is complicated. If you have any questions, talk with your supervisor, appropriate department representative, or call Human Resources & Risk Management.



Commissioner Precinct 4 Naturalist **Alicia Mein** shows a turtle during a ribbon cutting of the newest segment of the Spring Creek Greenway.

SECTION 13. GRIEVANCE PROCEDURES

SECTION 13. GRIEVANCE PROCEDURES

The grievance process is a way to settle grievances between the County and an employee as quickly as possible to promote efficient operations and maintain positive morale in the workplace. These procedures apply to all County employees (not volunteers) except those in the Sheriff's Office or Community Supervision & Corrections.

*Try to resolve complaints using all available avenues within your department before filing a formal, written grievance. We encourage Department Heads and supervisors to work with employees to resolve grievances informally. **Efforts at informal resolution are unrelated to the formal grievance procedures and do not extend the time limits set out below. Grievances filed after the time limit(s) are automatically denied.***

13.01 GRIEVABLE MATTERS

13.011 A grievance is a violation, misinterpretation, misapplication, or disparity in the application of a specific law, ordinance, resolution, written or unwritten policy, or rule regarding wages, hours of work, or conditions of work that negatively affects an employee.

a. Examples of grievable matters include, but are not limited to:

- Misapplication of a salary ladder;
- Misinterpretation of a department mandatory overtime policy;
- Unfair treatment in the application of a department shift bidding policy;
- Violation of the County compensatory time policy.

b. Examples of matters that are not grievable include, but are not limited to:

- Employee performance evaluations that are not directly related to wages;
- Written reprimands;
- Terminations;
- Promotion decisions, unless covered by a salary ladder.

Grievances based upon an employee's termination from employment are denied upon filing. If at any point in the grievance process, the employee separates from the County, the grievance process ends.

- 13.012 If at any point in the grievance process the Department determines that the subject of a grievance is not grievable as defined above, the Department notifies the employee in writing before the next applicable deadline. Employees may appeal that determination to the Grievance Resolution Committee by submitting written notice to the County Grievance Coordinator within 5 working days of receiving it. The County Grievance Coordinator or her designee has 5 days from receipt of the appeal to set a meeting date for a panel of the Grievance Resolution Committee to evaluate the appeal and issue a response. If the Committee determines the issue is grievable, the grievance resumes at the point it left off. If the Committee determines that the issue is not grievable, the grievance process ends. The Committee's decision is final.
- 13.013 **The grievance procedure does not apply to allegations of violation of law, harassment, discrimination based on race, color, religion, sex, national origin, age, pregnancy, disability, genetic information or any other protected class in accordance with federal and state laws, or unlawful retaliation. Discrimination allegations are handled under the County's Non-Discrimination Policy.**

13.02 GENERAL PROVISIONS FOR FORMAL GRIEVANCES

- 13.021 To file a grievance you must follow these steps in the order given. **You have 5 days to take the first step in the Grievance Process.** *If a supervisor, Grievance Coordinator, or Department Head fails to respond within the time limits, the employee must take the next step in the procedure to continue with the grievance process.*

Example: Marco timely appeals a grievance to his Grievance Coordinator, who fails to respond within 5 working days. To continue with the grievance, Marco must appeal the grievance to the Department Head within 5 working days after the deadline his Grievance Coordinator missed.

- 13.022 Time limits begin on the first day after the applicable occurrence, initial notification, filing, response, or recommendation. Working days do not include weekends or County Holidays.

Example: Doug receives notification that he is going to be suspended. His suspension is scheduled to begin the following week. In order to file a grievance, Doug must submit Form 100 to his supervisor within 5 working days of receiving the initial notification of his suspension.

- 13.023 **Employees must use the County [grievance forms](#).** The forms are available from the Department's Grievance Coordinator, the Department's human resources staff, from Human Resources & Risk Management, and via the HRRM website.
- 13.024 Employees get their usual rate of pay for time spent during normal working hours in the grievance proceedings.
- 13.025 Employees may represent themselves or be represented by someone else when presenting a grievance.
- 13.026 Commissioners Court appoints the County Grievance Resolutions Committee.
- 13.027 Department Heads designate a Department Grievance Coordinator and notify all employees of the designation. Any questions regarding the grievance process should be directed to the employee's Department Grievance Coordinator.

13.03 **FORMAL GRIEVANCE STEPS**

13.031 **Step 1 – Supervisor**

Complete [Form 100](#) and give it to your supervisor within 5 working days of the occurrence. Keep a copy for yourself. Your supervisor will note the date received on Form 100. Your supervisor has 5 Working Days from receiving Form 100 to investigate, meet with you, and respond in writing on County [Form 200](#).

All grievances that include complaints of discrimination or harassment under the County's Non-Discrimination policy, must be forwarded to Human Resources & Risk Management.

13.032 **Step 2 – Department Grievance Coordinator**

You may appeal the supervisor's determination by completing [Form 300](#) and giving it to your Department Grievance Coordinator within 5 working days of receiving Form 200. The Department Grievance Coordinator has 5 working days from receipt to investigate, meet with you, and respond in writing on Form 300.

13.033 **Step 3 – Department Head**

You may appeal the Department Grievance Coordinator's determination by completing [Form 400](#) and giving it to your [Department Head](#) within 5 working days of receiving Form 300. The Department Head has 5 working days to investigate, meet with you, and respond in writing on Form 400.

13.034 Step 4 – Grievance Committee

13.0341 You may appeal the Department Head’s determination by completing [Form 500](#) and submitting it to the County Grievance Resolutions Committee Chairperson/Coordinator within 5 working days of receiving Form 400. The appeal *must*:

- state the reason for the appeal; and
- pertain to the original grievance filed; and
- include all written responses pertaining to the specific complaint; and
- include your signature and the name of your representative if you have one.

13.0342 The County Grievance Coordinator schedules a hearing within 5 working days from receipt of Form 500. The Resolutions Committee reviews and carefully studies your complaint and the Department’s responses. Each party may present evidence. Upon hearing the grievance, the Resolutions Committee votes to adopt a response and recommendation.

13.035 Step 5 – Appropriate Authority

13.0351 Either the employee or the Department Head may appeal the Grievance Resolutions Committee’s determination to a governing body other than Commissioners Court that has appropriate supervisory authority over the Department Head, if one exists, and has established a grievance procedure. For Juvenile Probation employees, the appropriate authority is the Juvenile Board. The appealing party must submit a written appeal with the County Grievance Coordinator within 10 working days of receiving the Grievance Resolutions Committee’s determination. The appeal must state the reason for the appeal and specify whether appealing party wants it to be heard at a public hearing or in Executive Session. The County Grievance Coordinator places the appeal on the appropriate agenda.

13.0352 In accordance with all applicable laws, the appropriate authority considers the grievance and takes whatever steps it deems necessary under the circumstances.

13.036 Step 6 – Commissioners Court

13.0361 Either you or your [Department Head](#) may appeal the determination made in the highest applicable step described above to Commissioners Court by filing a written appeal with the County Grievance Coordinator within 10 working days. The appeal must

state the reason for the appeal and specify whether the appealing party wants it to be heard at a public hearing or in Executive Session. The County Grievance Coordinator places the appeal on the Commissioners Court Agenda.

- 13.0362 In accordance with all applicable laws, Commissioners Court considers the grievance and takes whatever steps it deems necessary under the circumstances, including referring the matter back to the governing body referenced in Step 5.



Commissioner Precinct 4, Trails as Parks Director, **Kris Linberk**, teaches about nature during the Spring Creek Greenway Ribbon cutting event. The Spring Creek Greenway connects and protects approximately 7,000 acres of forest in Harris County along Spring Creek.

SECTION 14. SEPARATION FROM EMPLOYMENT

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- 14.01** To the extent permitted by law, employees have the status of “employee-at-will” and do not have a contractual right, express or implied, to remain employed by the County. Your employment may be terminated for any reason and at any time without notice. As a matter of law, employees have no tenure. Similarly, you may resign with or without notice at any time.
- 14.02** Not reporting to work and not calling to report the absence (no call/no show) is a serious matter. If you do not report to work without contacting your supervisor as required by department policy, you may be disciplined, including termination. Some departments consider a no call/no show lasting three days to be job abandonment and a voluntary resignation. Be sure you know your department’s policy.

14.03 The Texas Payday Act does not apply to Harris County.

14.04 BENEFITS UPON SEPARATION

- 14.041 You will get paid for unused Vacation **unless** you separate and return to the County without a [Break in Employment](#). For purposes of this section, Vacation does not include allowances, incentives or Longevity Pay.
- 14.042 You will get paid for unused [Compensatory Time](#) as outlined in the policy on Overtime Compensation and Compensatory Time.
- 14.043 Employees who separate with a Break in Employment forfeit all accrued Sick Leave, including Family Sick and Wellness Leave.
- 14.044 Departments should refer to the Manager’s Reference Guide for the Exit Interview Checklist, or complete Auditor’s Form 3412 [Employee Separation Summary](#).

You must return all County property and equipment (e.g., keys, cell phone, laptop, and badge) in your custody before receiving your final pay. The County takes all steps necessary to collect monies you owe and to get back all County property and equipment.

SUMMARY OF BENEFITS

	<u>Regular Position</u> (At least 32 hours per week – <u>Regular</u> <u>Employee</u>)	<u>Part Time</u>	<u>Temporary</u> <u>Positions</u>
Sick Leave	Yes	No	No
Sick Leave Pool³	Yes	No	No
Paid Parental Leave⁴ Infant Sick Leave⁵	Yes	No	No
Vacation Leave	Yes	No	No
Retirement benefits	Yes	Yes	No
Compensatory Time¹	Yes	Yes	Yes
Med/Life/LTD, etc. benefits	Yes	No	No
Holidays	Yes	No	No
Funeral Leave	Yes	No	No
Temporary Military Leave	Yes	Yes	Yes
Jury or Witness Duty	Yes	No	No
Workers' Compensation	Yes	Yes	Yes
FMLA²	Yes	Yes	Yes
<u>Longevity Pay</u>	Yes	No	No

¹ [Non-Exempt](#) Employees whose [Hours Actually Worked](#) exceeds 40 hours in one workweek earn Compensatory Time at the rate of 1½ times per hour in excess of 40. Any employee whose [Paid Absences](#) plus Hours Actually Worked exceeds 40 hours in one workweek accrues [Compensatory Time](#) on a straight-time basis.

² FMLA eligibility is subject to certain qualifications, including having worked at least 1,250 hours in the 12 months immediately before the leave.

³ Sick Leave Pool eligibility is subject to certain qualifications, including having been continuously employed by the County for at least twelve (12) months immediately preceding participation in the program.

⁴ Paid Parental Leave eligibility is subject to certain qualifications, including having been continuously employed with the County as a full-time, regular employee for at least 45 consecutive calendar days immediately preceding the birth, adoption, or foster-to-adopt placement of a child.

⁵ Infant Sick Leave eligibility is subject to certain eligibility qualifications, and can only be used during the infant's first year of birth.