

Chapter 9. Human Resources Policies and Procedures for County Employees Who Work for Commissioners Court¹

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¹ Chapter 9 was replaced by Travis County Commissioners Court on 7/27/2010, Item 10. Chapter 9 was last amended 8/9/2016, Item 15.

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Subchapter A. Statement of General Policies

9.001 Purpose

The purpose of this chapter is to provide a set of principles for establishing and maintaining harmonious and productive employee relationships in the conduct of County business.

9.002 Affected Departments/Employees

- (a) Unless specifically excluded, this chapter applies to all employees in departments under the direction of the Commissioners Court. It does not apply to the employees of any Elected Official unless that Elected Official expressly adopts it in writing. The Human Resources Management Department (HRMD) should inform all new employees of Elected Officials that this chapter does not apply to them unless HRMD has a written adoption of

this chapter on file. A list of those Elected Officials who have adopted it may be obtained at HRMD.

- (b) Elected Officials who have adopted other guidelines for their staff may provide HRMD with a copy of those guidelines so that HRMD may provide a copy of the guidelines to each employee of that Elected Official during their employee orientation.
- (c) The County reserves the right to change any provision of this chapter unilaterally at any meeting of the Commissioners Court without specific notice of the potential change to any employee.
- (d) No employee, supervisor, official, or representative of the County has any authority to change any portion of this chapter without the express and specific authorization of the Commissioners Court.

9.003 Objectives

The objectives of this chapter, as supported by good personnel administration, include:

- (1) To provide fair treatment of applicants and employees in accordance with applicable legislative and judicial mandates;
- (2) To encourage executive managers, department heads, and supervisors to treat all employees with respect, dignity, and fairness;
- (3) To provide a program of recruitment, selection, reward, and advancement based on qualifications and demonstrated performance, so that service to the County is attractive as a career and each employee renders his or her best services to the County; and
- (4) To motivate employees to work toward the goals of the County by providing optimum working environments and relationships, and opportunities for achievement, recognition, and growth.

9.004 Employment-at-Will

- (a) Executive managers, department heads, assistant or deputy directors, and positions that report directly to the Commissioners Court are employees-at-will. The Commissioners Court may add or delete positions from the list of positions that are employment-at-will in its discretion. A list of those positions filled by employees-at-will is available at HRMD.
- (b) Employment-at-will means that the employment can be terminated by the employee or the County at any time, with or without cause, and with or without advance notice. Employment may not be terminated for illegal reasons which include, but are not limited to:
 - (1) Membership or non-membership in a union;
 - (2) Service on a jury, service in the military, or attendance at a political convention;

- (3) Prevention of the employee from vesting in the County's retirement plan or exercising rights to certain other employment benefits;
 - (4) Refusal to submit to or failure of a lie detector test unless the County has additional supporting evidence of wrongdoing;
 - (5) Submission of a workers' compensation claim;
 - (6) Retaliation for reporting the County's wrongdoing to the proper regulatory agency, such as those established by
 - (A) The Clean Air Act,
 - (B) Energy Reorganization Act,
 - (C) Safe Drinking Water Act,
 - (D) Solid Waste Disposal Act,
 - (E) Comprehensive Environmental Responsibility Compensation and Liability Act,
 - (F) Toxic Substances Control Act,
 - (G) Water Pollution Control Act,
 - (H) The Fair Labor Standards Act (FLSA),
 - (I) The Occupational Safety & Health Act (OSHA), and
 - (J) Whistleblower Act.
- (c) Each employee identified as an employee-at-will is required, as a condition of employment, to sign a statement in which the employee acknowledges:
- (1) That he or she is an employee-at-will;
 - (2) That for him or her, this chapter does not constitute an employment contract; and
 - (3) That he or she is not guaranteed, by contract or otherwise, any term or condition of employment, unless it is expressly set forth in an individually negotiated employment contract.

9.005 Just Cause

With the exception of those employees identified as employees-at-will, an employee covered by this chapter may only be terminated for just cause.

9.006 Firearms and Other Deadly Weapons²

- (a) Employees other than licensed peace officers, correction officers, or commissioned security officers shall not carry a firearm or other deadly

² 9.006 relocated from 10.008 January 12, 2016, item 15.

weapon on their person, while on County owned, leased, or controlled real property and while in a County owned, leased, or controlled motor vehicle.

- (b) If an employee becomes aware of any employee carrying a firearm or other deadly weapon in violation of the prohibition in subsection (a), the employee may notify any of the following of the situation:
- (1) their elected or appointed official or his or her designee,
 - (2) the Travis County sheriff's Office, or
 - (3) any other appropriate County law enforcement agency.

[9.007 - 9.100 reserved for expansion]

Subchapter B. Policy Against Discrimination, Harassment & Retaliation

9.126 Policy

Discrimination, harassment, and retaliation complaints are taken very seriously. Violations of this subchapter are strictly prohibited.

9.127 Definitions for Discrimination and Harassment

In this subchapter, the following words and phrases shall have the following meanings:

- (1) "Age" means 40 years of age or older.
- (2) "Disability" means any of the following:
 - (A) A physical or mental impairment that substantially limits one or more major life activities of a person,
 - (B) A record of this type of impairment, or
 - (C) Is regarded as having such an impairment.
- (3) "Genetic Information" means information about the following with respect to any individual:
 - (A) That individual's genetic tests,
 - (B) The genetic tests of family members of that individual, and
 - (C) The manifestation of a disease or disorder in family members of that individual.

Genetic information does not include information about the sex or age of any individual.

- (4) "Military status" means an active or reserve member of any branch of the armed forces of the United States, including the National Guard, Coast Guard, and armed forces reserves and includes a veteran of any of these services.
- (5) "Protected Class" means any classification of individuals against whom discrimination, harassment or retaliation is prohibited under any

applicable federal, state or local law. In this policy, “protected class” also includes other classifications of individuals who may or not be legally recognized as a protected class but are protected from discrimination, harassment, and retaliation under Travis County policy. Currently under this policy, “protected class” includes: race, color, age, religion, sex/gender, national origin, disability, military status, sexual orientation, and genetic information.

- (6) “Religion” means belief in and reverence for a supernatural power and includes all aspects of observance and practice associated with a sincerely held belief.
- (7) “Unwelcome” means unsolicited and unprovoked and undesirable and both personally and objectively offensive.

9.128 Policy Against Discrimination

- (a) It is the policy of the County to embody positive business and personnel practices designed to provide the full realization of equal employment opportunity without regard to any protected class.
- (b) Discrimination based on another’s membership in a protected class is strictly prohibited.
- (c) Officials appointed by Commissioners Court, executive managers, department heads, and supervisors shall recruit, hire, train, and promote persons in all job classifications in accordance with this subchapter’s purpose and objective and the principles of equal opportunity by imposing only valid requirements for employment opportunities.
- (d) It is the policy of Travis County to administer all personnel policies, practices and programs without regard to membership in any protected class.

9.129 Policy Against Harassment

- (a) It is the policy of the County to provide a respectful working environment free from unwelcomed conduct, either physical or verbal that is based upon membership in a protected class or that adversely affects a term or condition of employment.
- (b) The County prohibits harassment based on race, color, age, religion, sex/gender, national origin, disability, military status, sexual orientation, genetic information, or membership in any protected status in accordance with federal, state or local laws. Harassment may occur as a general course of conduct or as a result of a single, severe incident and includes, but is not limited to:
 - (1) Slurs, epithets, name calling, ridicule, insult, or other unsolicited remarks;
 - (2) Gestures, physical contact;

- (3) Display or circulation of materials or pictures derogatory to any protected class; or
 - (4) Intimidation.
- (c) Employees shall not behave in a manner that is unwelcomed by any employee or applicant, such as:
- (1) Verbal abuse based on membership in any protected class,
 - (2) Comments or joking based on membership in any protected class,
 - (3) Graphic or degrading comments about an applicant's or employee's appearance based on membership in any protected class,
 - (4) Any conduct based on membership in any protected class that unreasonably interferes with an applicant's or employee's performance or even if no tangible or economic damages result,
 - (5) Any conduct based on membership in any protected class that creates an intimidating, hostile, or offensive working environment even if no tangible or economic damages result, or
 - (6) Comments suggesting that an applicant or employee does not conform to traditional stereotypes based on membership in any protected class.
- (d) An employee shall not harass another employee or applicant on the basis of sex/gender.
- (1) Employees shall not behave in a manner that is unwelcomed by any employee or applicant, or that adversely affects the terms and conditions of employment such as:
 - (A) Sexual flirtations, advances, or propositions;
 - (B) Verbal abuse of a sexual nature;
 - (C) Sexually related comments and joking;
 - (D) Graphic or degrading comments about an applicant's or an employee's appearance;
 - (E) The display of sexually suggestive objects or pictures;
 - (F) Any uninvited physical contact or touching, such as patting, pinching, or constant brushing against another's body;
 - (G) Comments about an applicant's or an employee's failure conform to traditional stereotypes associated with his or her biological sex/gender,
 - (H) Any sexual conduct that unreasonably interferes with an employee's performance even if no tangible or economic damages result; or
 - (I) Any sexual conduct that creates an intimidating, hostile, or offensive working environment even if no tangible or economic damages result.

- (2) Employees shall not exert subtle pressure for sexual favors, including implying or threatening that an applicant's or an employee's cooperation of a sexual nature (or refusal of it) will have an effect on the applicant's or the employee's employment, job assignment, wages, or on any other conditions or benefits of employment or future job opportunities.
- (e) Prohibited behavior may occur as a general course of conduct or as a single, severe incident.

9.130 Policy against Retaliation

- (a) The County strictly prohibits retaliation of any kind including taking any adverse employment action against an employee:
 - (1) Who makes a report of discrimination or harassment, or
 - (2) Who participates in any investigation of a report of discrimination or harassment.
- (b) Officials appointed by Commissioners Court, executive managers, department heads and supervisors shall not take adverse employment actions against any employee in retaliation for a good-faith report of a violation of this subchapter, or cooperating in any way in an investigation, proceeding, or lawsuit arising under this subchapter.

9.131 Procedures and Protocols

- (a) Any employee who feels that he or she is a victim of discrimination or harassment, or has been subjected to retaliation due to his or her report or cooperation with an investigation should immediately report the treatment to a supervisor, departmental HR liaison, department head, executive manager, the HRMD director, or a member of the Commissioners Court. An employee is not required to report harassment, discrimination or retaliation to the person about whom the report is being made.
- (b) Any person who becomes involved with a report of discrimination, harassment, or retaliation, whether as the one reporting, the one reported on, a witness, or any other association shall keep all information about the matter as confidential as possible.
- (c) Any employee who sees discrimination, harassment or retaliation or receives a report of discrimination, harassment, or retaliation should report it to a supervisor, departmental HR liaison, department head, executive manager, the HRMD director or a member of the Commissioners Court.
- (d) A supervisor, departmental HR liaison, department head, executive manager, the HRMD director, or a member of the Commissioners Court who receives a report of discrimination, harassment, or retaliation shall treat the employee making the report with respect and dignity.

- (e) In consultation with HRMD or the County Attorney's office, a thorough investigation shall follow a report of discrimination, harassment, or retaliation.
- (f) All employees are required to cooperate with an investigation of discrimination, harassment, or retaliation. If it becomes apparent that it is in the best interest of those involved for any employee to remain away from the workplace during the investigation, an employee may be placed on leave.
- (g) Following an investigation, the appropriate supervisor shall take prompt remedial action to end the discrimination, harassment, or retaliation.

9.132 Remedies

- (a) An employee who has been found to have violated this policy may be given immediate and appropriate disciplinary action up to and including termination.
- (b) Any employee who fails to comply with this policy may be held individually liable by the Courts. The County may be prohibited from assisting with this liability.
- (c) An employee who knowingly files a false complaint is subject to discipline, up to and including termination of employment.

[9.133 - 9.200 reserved for expansion]

Subchapter C. Employee Relations

9.201 Purpose

- (a) It is the intent of the County to establish clear, positive, and pro-active guidelines for corrective disciplinary action for inappropriate behavior and violations of any County policy as well as counseling and personnel actions related to job performance. It is also the intent of the County that all employees receive consistent and fair treatment.
- (b) The County provides for problem identification, direction for behavior change or skill improvement, a time-frame for change or improvement, consequences if improvement is not achieved in the specified time-frame, and documentation of those actions necessary to correct behavior.
- (c) When implementing corrective actions for inappropriate behavior, violation of any County policy, or unsatisfactory job performance; management should consider the type and severity of the behavior displayed. Corrective action should be proportionate to the offense. Likewise, the corrective action should be severe enough to affect the desired behavior.

9.202 Employee Guidelines

- (a) The County expects its employees to comply with the following guidelines:

- (1) Good discipline and acceptable social behavior shall prevail at all times among employees.
- (2) When the performance or personal behavior of an employee does not meet department standards, corrective measures should be applied. However, if possible, before discipline is applied, the employee should be counseled about the following matters:
 - (A) What the standard of performance for behavior is,
 - (B) How he or she is not meeting the standard,
 - (C) What he or she should do to correct the performance or behavior, and
 - (D) What action the supervisor may take if the performance or behavior is not corrected.
- (3) Any disciplinary action taken should be designed to correct the behavior it addresses.
- (4) For serious problems or behavior which threaten or disrupt County operations or other employees, appropriate action that will stop the behavior, including removal of the employee from the work site, may be taken.
- (5) All matters of discipline between the supervisor and an employee should be treated with confidentiality.
- (6) All discipline should relate to on-duty performance or conduct, or off-duty conduct which impairs the employee's ability to successfully perform his or her job.

9.203 Recommended Steps

- (a) Normally when using progressive discipline, the following steps are recommended. Circumstances may warrant taking other actions. These types of actions may be used in any order the circumstances warrant.
- (b) The supervisor should use his or her discretion in determining the appropriate level of discipline. Some options include:
 - (1) Verbal warning. A verbal warning should identify any inappropriate behavior or performance deficiency and indicate the expected improvement. A written record of the verbal warning and a description of the behavior to which it relates should be prepared and acknowledged by the employee.
 - (2) Written warning. A written warning should be clearly identified as a warning and presented in writing to the employee so that the gravity of the warning is emphasized. It should include:
 - (A) Identification of the behavior, violation, or performance deficiency;
 - (B) An indication of required change or improvement needed; and

- (C) Information about further corrective action that will result from failure to show the required improvement.

The written warning to correct performance deficiencies should be discussed and signed by both employee and supervisor. If an employee refuses to sign, the supervisor should have a witness sign a statement that a copy of the written warning was given to the employee.

- (3) Suspension without pay. Suspension without pay occurs when an employee is given time off without pay for misconduct which, although serious enough to warrant disciplinary action, is not serious enough to warrant termination of employment. Suspension without pay may also impact the receipt of employee benefits. An employee may be suspended only upon approval by the executive manager. The length and timing of the suspension is within the discretion of the executive manager. An employee who is suspended shall be given written notice describing at least the reasons for the action. If an employee refuses to sign the written notice, the executive manager should have a witness sign a statement that a copy of the notice was given to the employee.
- (4) Demotion. A demotion occurs when an employee is reassigned to a lower position with modified job duties. The demotion usually also includes a lower salary range than the former position.
- (5) Termination of employment. Termination of employment is the involuntary separation of an employee from County employment.

9.204 Conduct Warranting Discipline

- (a) Except for employees-at-will, an employee may only be terminated with just cause.
- (b) "Just cause" may include the following:
 - (1) Unsatisfactory work performance;
 - (2) Excessive absences or tardiness;
 - (3) Misconduct, such as fighting, or use of profane, obscene, or abusive language toward fellow employees or others;
 - (4) Furnishing information such as confidential employee, inmate, or client records to an unauthorized person;
 - (5) Reporting for work or engaging in County business if mobility or judgment is impaired due to the influence of intoxicants or drugs;
 - (6) Use of wireless communications technology (cell phone, ipod, etc.) while operating any vehicle including heavy equipment during the course of doing County business unless the employee is a law enforcement officer or an emergency responder using this technology for a critical business communication;

- (7) Illegal possession or sale of drugs or alcohol;
- (8) Theft;
- (9) Falsification of County records, employment application, medical history, or employee's own or another employee's time records;
- (10) Refusal to obey direct orders from the immediate supervisor or refusal to perform work assigned without valid reason;
- (11) Willful damage to property owned, rented, leased, or used by the County;
- (12) Failure to notify supervisor or manager during absence from work for three (3) consecutive work days;
- (13) Failure to abide by established safety rules of the County;
- (14) Failure to comply with policies against discrimination, harassment and retaliation;
- (15) Failure to obtain and maintain all qualifications, licenses, and certifications required to do the duties of an employee's position and failure to notify supervisor or department head within one (1) business day if any qualification, license, or certification is suspended or revoked;
- (16) Refusal to submit to drug testing consistent with County policy;
- (17) Violation of County policies on use of firearms or other deadly weapons on county property or in county vehicles;
- (18) Inappropriate or excessive personal use of the County-owned electronic and communications equipment including computers, internet, telephone, and email systems;
- (19) Any violation of any policy in the Travis County Code; or
- (20) Other similar behaviors not specifically listed that interfere with the business or operations of Travis County.

9.205 General Information

- (a) Prior to any disciplinary action being taken, executive managers should contact HRMD and the County Attorney's Office to obtain advice and assistance.
- (b) Supervisors retain primary responsibility for evaluating and correcting the conduct of the employees under their supervision.

9.206 Pre-deprivation Meeting

- (a) In cases resulting in suspension, demotion, or termination, a pre-derivation meeting shall be conducted with the affected employee, supervisor, HRMD representative, and other appropriate personnel as determined by the

executive manager before the discipline is implemented. At this meeting, the employee is provided with notice of the supervisor's concerns and provided an opportunity to respond to them.

- (b) Written notification of a pre-deprivation meeting should be given to the employee. When possible, a copy of the written notice should be acknowledged by the employee.
- (c) HRMD is responsible for monitoring the pre-deprivation meeting proceedings process for consistency.

[9.207 - 9.250 reserved for expansion]

Subchapter D. The Grievance Process

9.251 Purpose

It is the intent of the Commissioners Court to allow both employees and management to resolve employee conflict internally, using the most expeditious and fairest manner possible.

9.252 Eligibility

With the exception of employees-at-will, regular employees may use this Grievance Process. A regular employee is an employee who is:

- (1) Hired without a limit to the duration of his or her employment, and
- (2) Eligible for employee benefits.

9.253 Grievable Personnel Actions

An employee may file a grievance on one or more of the following grounds:

- (1) Termination of employment,
- (2) Demotion, or
- (3) Suspension without pay.

9.254 Time Limits for Filing

- (a) An employee who wants to file a grievance must file it with the HRMD director within five (5) working days after being notified of a grievable action.
- (b) If an employee fails to meet the filing time limits, he or she loses his or her rights to use the grievance system unless the HRMD director determines that it was beyond the reasonable control of the employee to file timely.

9.255 Grievance Resolution Procedures

- (a) An employee may obtain the appropriate form to file a grievance from HRMD.
- (b) The HRMD director should make a preliminary determination whether the grievance relates to a grievable personnel action and whether the employee is eligible to use the grievance process. Within five (5) working days after receipt of the grievance, the HRMD director informs the person grieving and the persons grieved against of his or her findings in writing. The person grieving may discuss an adverse finding with the HRMD director.
- (c) After a written finding that the grievance states a grievable personnel action, the HRMD director sets a hearing date and arranges for five (5) persons to be the grievance panelists. He or she sends written notice of the date of the hearing and a copy of the grievance to all involved persons at least 15 working days before the date of the hearing.
- (d) All hearings are limited to five (5) hours on any work day with each side having 90 minutes to present his or her argument, evidence, and testimony. Grievance hearings are not judicial in nature and, therefore, rules of a court of law do not apply. The Texas Rules of Evidence are not necessarily applied in grievance hearings but presentations, evidence, and testimony should be relevant. The meetings of the panel should be conducted according to the parliamentary procedures in the current edition of Robert's Rules of Order. For a copy of grievance procedures, contact HRMD.
- (e) Loud or abusive language by any of the participants in the formal hearing process is not allowed and is grounds for removal from the hearing.
- (f) The person grieving and the person grieved against are each allowed to present documentary evidence and the testimony of witnesses at the hearing. A list of witnesses and nine (9) copies of documentary evidence should be delivered to HRMD ten (10) working days before the hearing. On the next working day, HRMD should deliver the packets to panel members, the person grieving and person grieved against. Other witnesses and documents should not be admitted.
- (g) Any person grieving or any person grieved against in a grievance should be allowed to ask all witnesses against him or her questions within the appropriate time limit.
- (h) The HRMD director or his or her designee should serve as an advisor to the panel on County policies, but does not have a vote in the panel's ultimate decision.
- (i) The formal hearing is recorded to assist the grievance panel in its deliberation and for record-keeping purposes.
- (j) The grievance panel may only uphold or overturn the department's disciplinary action. A session for discussion and deliberation by the grievance panel is held to arrive at a decision. If necessary, the deliberations may be

concluded on the next working day. All panel deliberations, decisions, and hearing materials remain confidential subject to the limits of the Texas Public Information Act and the discovery process in litigation. The decision is mailed within five (5) working days to the person grieving and the persons grieved against or their representatives.

- (k) If employed by the Commissioners Court, the persons on either side of the grievance may appeal the decision of the panel within ten (10) working days after the decision. This appeal is to the Commissioners Court.
- (1) Any person who wants to appeal must submit additional documentation within the applicable allowed time or lose the right to provide any additional information for the appeal process. Deadlines for the appeal process are calculated from the date of the previous deadline.
 - (2) The person appealing shall provide nine (9) copies of any additional documentary evidence to be considered by Commissioners Court. This information must be delivered to HRMD within ten (10) working days after receipt of written acknowledgement from HRMD that an appeal has been received.
 - (3) HRMD provides a copy of the submission of the person appealing to the person in whose favor the panel decided. That person has ten (10) working days after receipt of the submission to provide nine (9) copies of any response to HRMD.
 - (4) HRMD provides a copy of the response from the person in whose favor the panel decided to the person appealing and allows three (3) working days for the person appealing to provide nine (9) copies of any reply to the response of the person in whose favor the panel decided.
 - (5) Within five (5) working days of the receipt of the response of the person appealing, HRMD forwards the following documentation to the person appealing, the person in whose favor the panel decided, and the Commissioners Court:
 - (A) The additional information provided under the appeal process,
 - (B) The documentation provided at the Grievance Panel hearing,
 - (C) The Grievance Panel's decision, and
 - (D) The official recording of the grievance hearing.
 - (6) HRMD, in consultation with the Commissioners Court, sets the appeal from the Grievance Panel's decision for hearing on the first date on which the person appealing and the person in whose favor the panel decided are available, usually within 30 days after the documentation for the appeal has been forwarded.
 - (7) At the appeal hearing, each person is allowed 30 minutes to make a presentation to Commissioners Court.

- (8) All information to be considered by the Commissioners Court must be received within the stated time frames.
- (l) If employed by an Elected Official who has adopted these policies in writing, the persons on either side of the grievance may appeal the decision of the panel within ten (10) working days after the decision. This appeal is to the person designated by the Elected Official at the time these policies were adopted. If no designation was made, this appeal is to the Commissioners Court. With the Elected Official's designee substituted for the Commissioners Court, the appeal steps for persons employed by the Commissioners Court apply.
- (m) The vacant position created by a termination of employment should not be filled until the grievance and the appeal processes are complete. Positions may be posted and filled upon approval by the Commissioners Court after review by the County Attorney's Office.

9.256 Anti-Retaliation Provision

No employee should be discriminated, harassed, or retaliated against as a result of filing a grievance or participating in the grievance process.

9.257 Non-Grievable Personnel Actions

An employee may submit a complaint to the HRMD director about personnel actions that are not listed as grievable. That director should review the complaint, determine whether there is legitimate reason for dissatisfaction by the employee, and may, in consultation with the affected employee's executive manager, take appropriate actions based on the nature of the complaint.

9.258 Purpose of Grievance Panel

The purpose of the Grievance Panel is to ensure that employee grievances are given prompt and fair consideration.

9.259 Term of Membership on Panel

A Grievance Panel serves a term of two (2) years.

9.260 Composition of Panel

- (a) The Grievance Panel consists of a pool of 18 members – six (6) management and 12 non-management – and reflects the diversity of employees at the County. From this pool, five (5) members are selected to serve for each grievance hearing.
- (b) The following positions or departments are to be excluded from membership on the Grievance Panel because of their status with respect to the Commissioners Court:

- (1) Elected or Appointed Officials, department heads, executive managers, and positions that report directly to the Commissioners Court;
- (2) Staff to members of the Commissioners Court;
- (3) Staff to the Executive Manager, Administrative Operations;
- (4) Staff of HRMD; and
- (5) County Attorney employees.

9.261 Selection Process

The selection process is composed of the following four steps:

- (1) Countywide request for volunteers or nominations is advertised.
- (2) HRMD screens volunteers and nominees for eligibility and department approval.
- (3) HRMD selects a pool of 18 persons who reflect the diversity of employees of the County.
- (4) HRMD provides training to new panel members about the grievance process.

[9.263 - 9.300 reserved for expansion]

Subchapter E. Performance Evaluation

9.301 Purpose

- (a) It is the intent of the County to provide a performance evaluation system to document performance and provide better communication between the supervisor and the employee. Through the budget process, the Commissioners Court determines the level of funding that is available for reward of performance beyond requirements. Annual performance reviews are encouraged as a useful tool for both the employee and the supervisor. A supervisor may use the processes in this policy.
- (b) Even without monetary compensation, a performance evaluation has value to both the employee and the County by providing structured and planned feedback about meeting goals and expectations.

9.302 Performance Evaluation Process

- (a) Identify the criteria to be used for evaluation of the employee and communicate them to the employee.

- (1) At the beginning of the evaluation period, the supervisor and the employee should review together the duties of the employee's position and the behaviors expected.
 - (2) The established factors on which job performance and employee behavior are evaluated should be discussed. Specific standards for minimum performance should be written.
 - (3) Numerical measures should be used in developing standards for each performance factor. If numerical measures are not practical, the clearest non-numerical standards which can be agreed upon should be written on the evaluation form. The use of initiative or willingness to deal calmly with aggravating situations, for example, may not be measurable numerically. In such areas, the supervisor's criteria for expectations and personal judgments must be most clearly discussed in advance with the employee.
 - (4) Some special factors for each job may be added to the established factors, taking into account the particular duties of the position, goals of the County, performance behaviors, and any special conditions under which the employee is working.
- (b) Periodically monitor the employee's performance and behaviors and re-evaluate expectations.
- (1) In addition to normal day-to-day interactions, discuss the progress of the employee and the work unit.
 - (2) Each factor and standard should be discussed and examined for continued applicability. Jobs may evolve during the review period and any significant changes should be reflected in writing.
 - (3) Special factors should be given particular attention for applicability and progress.
 - (4) Formal meetings should be documented and used to discuss any changes in the current mission and work requirements of the unit and changes in the factors and standards for individual employees.
- (c) Conduct the actual evaluation with the employee and establish new standards for the next year.
- (1) At the end of the evaluation period, the supervisor should meet with the employee to convey results of the process. Documentation to support the review should be attached to the evaluation results.
 - (2) If a financial reward is available, but not appropriate for standard level of performance and behaviors, the reason for that judgment should be made clear at this time, and expectations for the coming year should include how a reward level of performance and behaviors can be achieved.

- (3) If reward is not appropriate and performance and behaviors have been below the acceptable standard, this is the time that the supervisor must communicate what the concerns are and what must be done to correct them. The consequences of continued sub-standard performance or behavior should also be explained at this time.
- (4) At the meeting where the evaluation is presented to the employee, goals, factors, and standards for the next year should also be developed.
- (5) The last step is for the employee and supervisor to complete an employee development action form. This form assists the employee in developing strategies to prepare for future job assignments, behaviors and responsibilities. An overall rating should be indicated and space for employee and supervisor comments provided. The review is signed by both the employee and the supervisor.

[9.303 - 9.400 reserved for expansion]

Subchapter F. Reduction-in-Force

9.401 Definition

A reduction in force (RIF) occurs when the Commissioners Court, in its discretion, determines that a position or category of positions should be eliminated. Priority for retention is given to those job classes which are most essential to organizational objectives. Within these classes, individuals are retained on the basis of performance or seniority and, whenever appropriate, skills and experience.

9.402 Position Determination

- (a) Position elimination will be determined based on the business needs of the County. Individuals in positions which are targeted for potential elimination or reduction are determined by using the latest performance evaluation score. A score of anything below meets expectation counts as zero. The score is added to the years of seniority points as listed below:

1-2 years	1
3-5 years	2
6-8 years	3
9 years	4

- (b) If a performance evaluation has not been conducted within the last twelve (12) months, the executive manager or department head should conduct an evaluation before making a RIF recommendation.

9.403 Departmental Procedures

- (a) The executive manager recommending a RIF should work with the Planning and Budget Office and HRMD to prepare information regarding RIF issues. Consultation with HRMD regarding recommendations for benefits and salaries for impacted employees should occur as well. These actions should occur before submission to Commissioners Court for approval.
- (b) HRMD presents these recommendations as well as information regarding RIF impact on equal employment opportunity and all potential placement opportunities to the Commissioners Court for approval.

9.404 Placement of Impacted Employees

An employee being affected by a RIF should be given priority consideration for other position openings for which he or she is qualified in the same or other departments. Such an employee should also receive priority consideration for training to qualify for existing County positions. This action should be coordinated with HRMD.

- (1) All vacant positions should be reviewed for intra-departmental transfers and promotions, and consideration should be given to current regular County employees.
- (2) All positions that are vacant after the review for transfer or promotional opportunities should be made available first to qualified employees affected by a RIF.
- (3) If a department uses a point system in its hiring process, preference points should be added to the points for experience of those applicants who previously lost their positions with the County solely due to a RIF.
- (4) Job postings may be reserved for "County employees only" and listed on an emergency basis to help expedite priority consideration of those employees whose positions are eliminated in a RIF.
- (5) Only upon approval by HRMD director, under the direction of Commissioners Court, may a department proceed with hiring a non-RIF applicant.

9.405 Relevant Departments

This policy constitutes instructions to executive managers and department heads appointed by the Commissioners Court.

[9.406 - 9.425 reserved for expansion]

Subchapter G. Teleworking³

9.426 Intent of Subchapter G

- (a) Travis County recognizes that certain advantages may accrue to both County and its employees if some employees are authorized to work at locations away from offices in County facilities.
- (b) Teleworking is as an alternative work option used to meet the business needs and enhance the productivity of each County department. It is available at the discretion of and upon the approval by an employee's Department Director and with the consent of the employee.
- (c) A department cannot require an employee to Telework and an employee does not have a right to Telework. Teleworking is not an employee benefit.
- (d) To facilitate Teleworking, County has developed guidelines for authorizing, participating in, and administering Teleworking.
- (e) Although Travis County expects Telework arrangements to be specifically described, County also intends these arrangements to be very flexible to meet the diverse needs of departments. Arrangements may be several hours a day or several days a week or every day for several weeks or months. Arrangements may be temporary or for an extended time on an on-going schedule.

9.427 Application of Subchapter

This chapter applies to employees who work for the Commissioners Court and those who work for Elected and Appointed Officials who have opted into this policy.

9.428 Effective Date

This subchapter is effective upon adoption by the Commissioners Court.

9.429 Definitions

In this chapter, the following words and phrases have the meaning adjacent to the words below.

- (1) Telework: means to perform County work functions at locations away from offices in County facilities at the discretion of the Department Director and with the voluntary consent of the employee.
 - (A) The location includes working at home or at an office near home instead of commuting to a distant work place, including the

³ Subchapter G added 8/9/16, Item 15

associated changes in work structure required to create such an arrangement.

- (B) Telework frequency may be used a few hours a day up to several days per work week. It may be created for a temporary application or it may be negotiated for an extended period of time. It is flexible, but it is deliberate: boundaries are defined, expectations and schedules are set, and all Travis County policies apply.
- (2) Telework Schedule: The hours and days agreed by the Department Director and employee about when the employee may Telework.
 - (A) A telework schedule established to accommodate a need to work from a site other than the designated headquarters. Term of the schedule may be a few days to several weeks, but generally less than three months.
 - (B) A telework relationship may be established as an on-going work schedule, anticipated to last three months or longer or as a short term work schedule such as those necessitated by convalescence, family leave, or facility access constraints.
 - (3) Telework Site: the location away from the offices in County facilities where an employee has been authorized to Telework.
 - (A) Home-based telework: Working in a space specifically set aside as an office in an employee's residence and the most frequently used form of telework.
 - (B) Designated Headquarters: The location of the office to which the employee would traditionally be assigned and report for work, when not teleworking. This location may also be referred to as the main office, or assigned office. The alternate site may include an outlying office of Travis County with appropriate work facilities (network connectivity, work station, etc.).
 - (C) Alternate Work Site: The location away from the designated headquarters where the employee establishes his/her telework office. It may also be referred to as remote work site or teleworker office.

9.430 Suitable and Unsuitable Conditions of Telework

- (a) The Department Director or designee determines whether a particular type of work may be performed at a Telework Site and may change that determination at any time.
- (b) To be suitable for Telework, it must be possible to perform the County work without diminishing its quality or the level of service to the general public.
 - (1) Performance of work at a Telework Site must not disrupt the productivity of the department.

- (2) Suitability is dependent on the content of the work, not the job title or position or work schedule of an employee. Examples of work conditions and proven employee performance that is suitable for telework include:
 - (A) Proven ability to perform – successfully organizes and manages time
 - (B) No disciplinary action/performance issues
 - (C) High job knowledge
 - (D) Ability to establish clear objectives
 - (E) Ability to work independently and productively with minimal supervision
 - (F) Dependability
 - (G) Telework site is safe and has minimal interruptions
 - (H) Able to safeguard office information and equipment used at the remote work site

- (c) Work that requires any of the following characteristics is unlikely to be suitable to be performed at a Telework Site:
 - (1) Extensive face-to-face contact with clients or the general public like:
 - (A) Direct services to residents of County, such as law enforcement, firefighting, or patient care; and
 - (B) Direct services to other County departments, such as mail room service and delivery of supplies;
 - (2) Extensive face-to-face contact with supervisor for close supervision or on-the-job training;
 - (3) Extensive face-to-face contact with other employees necessary in order to accomplish job tasks;
 - (4) Parking a County vehicle at the Telework Site which is not its designated base;
 - (5) Frequent access to material that cannot be removed from the County office;
 - (6) Special facilities or equipment that it is not feasible to provide at the Telework Site; or
 - (7) Costly security at the Telework Site;

9.431 Minimum Telework Site Requirements

- (a) A Telework Site must be a specific designated work area in a healthy, safe environment that has minimal interruptions and is adequately equipped to perform the assigned tasks.

- (b) Every Telework Site must have the following communications technology available:
 - (1) Internet access with a download minimum speed of 3 Mbps (megabits per second) with 10 Mbps preferred with connectivity to Outlook, Lync and other county software programs that are needed to perform the employee's work and
 - (2) Connectivity to telephone service that accepts call forwarding and records voice messages.
 - (c) The Telework Site must be secure to safeguard County information and equipment that is used there.

9.432 Minimum Employee Eligibility Requirements

- (a) To be eligible to Telework, an employee must be a Regular employee unless Teleworking is necessary to meet specific business needs of the department.
- (b) The employee should meet and maintain the following standards:
 - (1) A high level of knowledge of the work requirements;
 - (2) Dependability and the ability to work independently and productively with minimal supervision;
 - (3) Proven ability to establish clear objectives and perform well;
 - (4) Successful organizational and time management skills;
 - (5) A performance evaluation rating of "meeting or exceeding expectations"; and
 - (6) No disciplinary actions or performance issues.

9.433 Departmental Authorization for Teleworking

- (a) The Department Director, at his or her discretion, may authorize, or may designate other employees within his areas of responsibility to authorize, specific employees to perform specific work suitable for Teleworking at a designated Telework Site if the minimum Telework Site requirements and minimum employee eligibility requirements are met.
- (b) The work, the employees, and the schedule for Telework are at the discretion of the person authorizing the Telework.
- (c) The person authorizing Teleworking may require additional standards and apply additional guidelines applicable to the needs of that department or the type of work being performed.
- (d) The Department Director or the person authorizing Teleworking may end any Telework Agreement at any time and may end the authorization to perform any type of work as Telework at any time. When feasible, an employee

should be given at least 24 hours' notice of the end of the authorization to Telework.

9.434 Telework Request

To be approved to Telework, an employee must submit a Telework Request Form to his or her immediate supervisor.

9.435 Procedure to Authorize Specific Employee to Telework

- (a) The person authorizing Teleworking should obtain a Telework Request Form from the prospective Teleworker that contains the following information:
 - (1) The employee's consent to Telework,
 - (2) Details about the proposed work to determine whether the type of work is suitable,
 - (3) The proposed work schedule,
 - (4) A statement about whether there are any persons in the employee's household who are in need of care and a representation that the employee has made arrangements with another person for the care of those needing care, if any, and
 - (5) Any additional information that is needed to determine whether to authorize this employee to Telework.
- (b) The person authorizing Teleworking must review and evaluate the Telework request based on the employee's eligibility to Telework as well as the work, the proposed Telework Site and the proposed work schedule. The person authorizing Telework should only approve a specific employee for Teleworking if Teleworking in this instance meets the department's business needs and is expected to enhance its productivity.
- (c) If the person authorizing Teleworking approves a Telework request, the employee and that person should complete the following and place them in the employee's file:
 - (1) A Telework Agreement to document the length of the Agreement, the work schedule, the Telework Sites, and the participation requirements, and;
 - (2) The Checklist.

9.436 Employee's Responsibilities

- (a) While Teleworking, the employee is responsible for the following:
 - (1) Being physically present at County locations if so directed by his or her supervisor or department, even if the employee is scheduled to Telework at that time;

- (2) Being fully accessible to his or her work team and supervisors during scheduled Telework hours through telephone and Internet based programs like Outlook and Lync or as otherwise agreed between the employee and his or her supervisor;
- (3) Ensuring that equipment and office supplies provided by County are used only for County business and only by the Teleworker;
- (4) Maintaining and repairing personally-owned equipment if County equipment is not used;
- (5) Paying for the following:
 - (A) Out of pocket expenses for supplies;
 - (B) Long distance charges from a personally-owned telephone;
 - (C) Home maintenance associated with using the Telework Site; and
 - (D) Operating and incidental costs like utilities, telephone and insurance associated with using the Telework Site.
- (6) If connectivity to the Internet at the Telework Site is not working reliably, reporting any interruption to the supervisor and then going to Designated Headquarters to continue working until connectivity is restored unless the employee takes accrued holiday or vacation leave;
- (7) Using County sanctioned and supported encrypted methods for remote access to the County network, including the hard drive, shared drives, and email on the employee's County computer and the County systems like internet and SAP;
- (8) Communicating changes in work schedule;
- (9) Maintaining accurate timesheets to record Telework hours using SAP code 1090 and any accrued leave used, and following any additional reporting procedures established by the department;
- (10) Maintaining high standards of professionalism, like personal integrity, truthfulness, and commitment to a fair day's work;
- (11) Keeping personal interruptions such as personal telephone calls and visitors to a minimum;
- (12) Arranging for another person to provide care during Telework hours if any member of the employee's household needs care during the hours he or she is scheduled to Telework (like a child under 11 years old or a sick or injured person or an elderly person), and taking appropriate accrued leave if any lapse occurs in the caregiving arrangements;
- (13) Complying with the Telework Agreement, including:
 - (A) Working in the designated Telework Site, and
 - (B) Maintaining the Telework Site in a healthy, safe manner as described in the Telework Request Form.

- (14) Observance of all applicable County and departmental rules, policies and procedures, including compliance with security and confidentiality policies and procedures related to the computer, its data and information, and any other sensitive information accessed in the course of work like information subject to HIPAA and privacy requirements;
 - (15) Refraining from transferring any work files from County equipment to personal computers and back again;
 - (16) Complying with the same terms and conditions applicable while working at County locations, including position description, performance evaluation, salary, benefits, and leave accrual; and
 - (17) Acknowledging that failure to comply with all of these requirements may result in termination of the Telework authorization.
- (b) An employee may end the Telework Agreement at any time.

9.437 Supervisor's Responsibilities

While an employee reporting to the supervisor is Teleworking, the supervisor is responsible for the following:

- (1) Reviewing the employee's current performance standards and revising them as needed to accommodate Teleworking;
- (2) Review, evaluate, and approve employee Telework Request Form and related documentation for a telework schedule.
- (3) All existing employment terms and conditions, including but not limited to, the position description, salary, benefits, vacation, sick leave, and performance evaluations, remain the same as if the employee worked only at his/her regularly assigned work site

9.438 Human Resources Management Department Responsibility

The Human Resources Management Department is available to assist departments in designing, implementing, and evaluating Telework arrangements and documentation.

9.439 County Responsibilities

- (a) County provides workers' compensation coverage during Telework scheduled work hours while performing work functions in the designated Telework Site.
- (b) County administers workers' compensation for Teleworkers in the same manner that it is administered for workers at County work locations.
 - (1) Injured Teleworkers must notify their supervisors immediately and complete all requested documents.

- (2) Telework scheduled work hours are those stated in the Telework Agreement or, if none are stated, the work hours applicable when the employee works at the County work location.
- (c) County assumes no liability for:
 - (1) Injuries that occur in the Telework Site outside of the Telework scheduled work hours;
 - (2) Injuries to the Teleworker in the employee's home outside of the designated Telework Site;
 - (3) Loss, damages, injuries in or to the Teleworker's residence that occur to family members, visitors, or other in the Telework Site; or
 - (4) Damages to equipment owned by the Teleworker and used in Teleworking or resulting from Teleworking.
- (d) County is not responsible for operating costs, home maintenance, or other incidental costs associated with the use of an employee's residence for Teleworking.

[9.440 – 9.950 Reserved for Expansion]

[Subchapters H-Y reserved for expansion]

Subchapter Z. General Interpretive Provisions

9.951 Authority

This chapter is adopted by the Commissioners Court acting in its capacity as the governing body of Travis County. Travis County adopts this chapter under the authority of the laws of the State of Texas.

9.952 Jurisdiction

This chapter only applies to employees who can be hired and terminated at the direction of the Commissioners Court and employees of Elected Officials who have adopted it in writing.

9.953 Effective Date

This chapter initially became effective on March 28, 1995 and has been amended three times since then. Its provisions are effective upon their respective dates of initial adoption by the Commissioners Court.

9.954 Precedents and Interpretation

- (a) This chapter shall be construed strictly so that no rights are created that are not specifically created by this chapter. The provisions of this chapter shall be applied prospectively from the dates of their initial adoption.
- (b) Commissioners Court shall resolve any questions about any interpretation of this chapter.
- (c) If there is any conflict between this chapter and the state constitution, or state law or rule adopted under a state law or the United States Constitution, a federal law or a rule adopted under federal law; the policy prevails to the greatest extent possible without violating the United States Constitution, the state constitution, any constitutional federal or state law, or any constitutional rule adopted under either of these.
- (d) The masculine, feminine, and neuter genders shall be interpreted to include the other genders if required. The singular and plural numbers should be interpreted to include the other number if required. Words in the present tense shall be interpreted to include the future tense. Words in the future tense shall be interpreted to include the present tense.
- (e) Words and phrases shall be read in context and interpreted according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by definition in this chapter or otherwise, shall be interpreted according to that acquired meaning.
- (f) Throughout this chapter, headings for chapters, and sections are used for convenience only. These headings shall not be interpreted to expand or to limit the interpretation of the section that follows the heading.

9.955 Computation of Time

- (a) When a period of time is stated in “days”, the days shall be interpreted as calendar days unless otherwise stated. When a period of time is stated in “working days”, the days shall be interpreted as Mondays, Tuesdays, Wednesdays, Thursdays, Fridays unless the day has been designated as a County holiday by the Commissioners Court.
- (b) If the last day of any period is a Saturday, Sunday, or County holiday, the period is extended to include the next day that is not a Saturday, Sunday, or County holiday.