

EMPLOYEE POLICY MANUAL



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

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Foreword

This Employee Policy Manual contains important information required by law and should therefore be read in its entirety upon receipt. This manual has a lot of information but it cannot cover all subjects completely. Therefore, if there are any questions about the policies of the Barton Springs/Edwards Aquifer Conservation District (District), the employee should not hesitate to ask their immediate supervisor or the General Manager. The term “employees” as used throughout this document excludes all members of the Board of Directors (Board).

Employment with the District is on an at-will basis. This means that the employment relationship is not an entitlement, but rather a privilege that may be terminated at any time by either the employee or the District for no reason at all or for any reason not expressly prohibited by law. **The contents of this manual do not constitute a contract of employment.** Nothing contained in this handbook should be construed as a guarantee of continued employment or of any particular policy or benefit. The policies, programs, and benefits described in this manual may be added to, subtracted from, or otherwise amended at any time without advance notice or cause. Interpretations of this policy are reserved to the General Manager or his/her designee under guidance of the Board. Any agreement with regard to this or any other policy is invalid unless it is in writing and signed by the General Manager.

Equal Employment Opportunity

The District is committed to fair and equal treatment of all employees, and fair and equal consideration of all prospective employees, without regard to race, color, age, religion, sex, ancestry, Vietnam or disabled veteran status, national origin, or disability which does not interfere with job performance with reasonable accommodation.

The District complies with the equal employment regulations of various governmental entities. The District commits to administering all personnel actions in compliance with such regulations, including such matters as employment, promotions, demotions, transfers, compensation, benefits, training, education, social, and recreational programs.

The District is committed to providing a working environment free from racial, religious, sexual, or other forms of discrimination or harassment. Such conduct will not be tolerated and constitutes grounds for dismissal. An employee who feels that he/she is being sexually harassed should tell the harasser that he/she finds the conduct offensive, and insist that it stop. If the conduct does not stop immediately, the employee should make a complaint. Any employee who feels he/she is the subject of discrimination or harassment or who witnesses discriminatory or harassing conduct is encouraged to make a complaint immediately. The District takes seriously all complaints involving discrimination or harassment. When the complainant believes it would not be appropriate to discuss the complaint with his/her direct supervisor, the complaint should be submitted directly to the General Manager. If the complaint is about the General Manager or a member of the Board, the complaint should be submitted directly to the District’s Board President. If the complaint is about the Board President, the complaint may be submitted to any or all of the other Board members. All complaints will be treated in the strictest confidence

possible without compromising a complete investigation. Complaints will be promptly investigated and resolved.

Sexual harassment can take many forms including, but not limited to, unwelcome physical contact, verbal abuse, leering, gestures, and more subtle advances or pressure inviting sexual activity. Such conduct is unlawful where:

- Submission to the advance is made a term or condition for obtaining employment opportunities or avoiding adverse employment action;
- Submission to or rejection of the advance is used as the basis for making employment decisions; or
- Such sexual conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Retaliation or reprisal against any employee for complaining of harassment or discrimination of any kind, for participating in or cooperating with an investigation of a complaint of harassment or discrimination, or for assisting in any way with the exercise of rights under any state or federal law prohibiting harassment or discrimination is illegal and will not be tolerated.

Business Ethics

The District strives to maintain the highest standards of business conduct and ethics. The employee's adherence to these standards while carrying out their job is vital.

The District respects the employee's rights to engage in activities outside the District that are private in nature and which in no way conflict with or reflect upon the integrity or good name of the employee or the District. Because of potential conflicts of interest, ethical considerations and liability matters, an employee must advise and discuss the matter with the General Manager before acceptance of any outside employment or engaging in any activities which may result in conflicts of interest or possibly compromising the District's ethical or professional standards.

1. District employees may not use their official position to secure special privileges or exemptions for themselves or others;
2. Employees may not grant any special consideration, treatment or advantage to any citizen, individual or group beyond those that are available to every other citizen, individual or group;
3. Employees may not disclose, without proper authorization, confidential information that could adversely affect the property, management, or affairs of the District, nor directly or indirectly use any information for their own personal gain or benefit, or for the private interest of others;

4. District employees should not represent, directly or indirectly, or appear on behalf of private interests before the District Board, nor shall they represent any private interest in any action or proceeding involving the District, nor shall they accept a retainer or compensation that is contingent upon a specific action taken by the District.

The above list is not all-inclusive. Violation of the public trust in any way is a violation of the District's Ethics Policy and may result in disciplinary actions or termination. The Board has established an Ethics Policy for all elected or appointed officials, agents, and employees of the District. Please refer to, review, and sign Appendix A, the District's Ethics Policy found at the end of this document.

Personnel Records

The District maintains a personnel file for each employee that includes the employment application and resume; indicates educational experience; and contains experience records, evaluations, and other pertinent information.

All information is kept confidential to the extent allowed by law, with only authorized personnel (as determined by the General Manager) having access to it. The employee's individual records are available for review upon request, and employees may review their personnel records during work time, and may make copies of those records.

Maintenance to keep data up-to-date in the file is important to the employee and the District. The General Manager should be notified in writing promptly of changes in the following:

- Name
- Address
- Telephone number
- Marital status
- Beneficiaries to be named on insurance policies
- Person(s) to be notified in event of emergency
- Military status (if applicable)

This information will be maintained as part of the employee's personnel record. **As stated in Section 552.024 of the Texas Government Code (the Public Information Act), the employee may request that his/her home address and home telephone number be kept confidential:**

(a) Each employee or official of a governmental body and each former employee or official of a governmental body shall choose whether to allow public access to the information in the custody of the governmental body that relates to the person's home address, home telephone number, or social security number, or that reveals whether the person has family members.

(b) Each employee and official and each former employee and official shall state that person's choice under Subsection (a) to the main personnel officer of the governmental body in a signed writing not later than the 14th day after the date on which:

- (1) the employee begins employment with the governmental body;
- (2) the official is elected or appointed; or
- (3) the former employee or official ends service with the governmental body.

(c) If the employee or official or former employee or official chooses not to allow public access to the information, the information is protected under Subchapter C.

(d) If an employee or official or a former employee or official fails to state the person's choice within the period established by this section, the information is subject to public access.

(e) An employee or official or former employee or official of a governmental body who wishes to close or open public access to the information may request in writing that the main personnel officer of the governmental body close or open access.

The District will confirm employment information to authorized credit bureaus over the telephone, with the exception of salary information, which will be confirmed only upon the employee's specific written approval. No other information will be provided to services outside of the District without the employee's written permission unless required by law.

Employees may review their personnel records during work time, and make copies of those records.

Employment, Overtime, and Eligibility for Benefits

Work Week. The District's workweek begins at 12:01 a.m. Monday morning and ends at 12:00 midnight Sunday night. Normal business hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday; however, the District allows a flexible employee work schedule. The District gives the individual employee the option of working the traditional 5-day, 8-hours per day workweek, or to opt for a 4-day, 10-hours per day workweek. Full-time District employees are expected to work a minimum of 40 hours each week and 80 hours per pay period. The employee may change the flex-time election no more often than every six months, and any change must be approved by the General Manager.

It is the Board's policy that District business is conducted in a timely and professional manner and that disruption of normal operations is held to a minimum when employees are off. The first concern is that an adequate number of technical and administrative staff are on-duty on each day of the work week. Note that the term "adequate number of technical and administrative staff are on duty" means that citizens who request service should expect to be served when they make the effort to visit the District office and not be asked to return on another date. The flex-time policy will be reviewed annually by the Board to ensure it meets the intent of the District policy to serve the public.

For scheduling and administrative purposes, all District employees are asked to decide on their weekly work schedule desires and to make the commitment to follow that schedule in 6-month increments.

Employees may need to work on their normal days off in order to meet pending project deadlines, or to conduct other District business as required. In cases of conflict, the General Manager will make the final determination.

Wage and Hour. All executive, administrative, and professional employees who are "exempt employees" are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act. All "nonexempt employees" will be paid time and one-half for all hours worked in excess of 40 hours per week. An employee's exempt or nonexempt status will be reflected in their personnel file.

Overtime. All District employees are expected to work overtime when necessary. Depending on whether an employee's position is exempt or nonexempt, and upon the job classification, nonexempt employees may be paid for overtime. Overtime work schedules must have prior approval of the employee's immediate supervisor, or of the General Manager.

For nonexempt employees, overtime is paid after 40 hours worked in a work week. The District's work week is from Monday to Sunday. Time not actually worked during a work week (e.g. holiday, vacation, sick leave, etc.) will not be counted when computing overtime pay. For exempt employees, please refer to the Compensatory Time section in this manual.

Employee Classifications and Eligibility for Benefits:

The General Manager shall make the determination of an employee's classification.

Full-Time Employees. A full-time employee is defined as an employee who is employed on a non-temporary basis and who is expected to work a minimum of 80 hours per pay period. Full-time employees are entitled to receive all of the benefits offered by the District. The full-time employee can either be exempt or nonexempt. Exempt full-time employees participate in the District's compensatory time earnings program for hours worked in excess of the regular work hours, provided they worked at least 85 hours in the pay period, and nonexempt employees are paid overtime at the rate of time and a half for hours they work in excess of 40 hours per week. With the approval of the General Manager, employees who are expected to work less than full-time but at least 32 hours per workweek also participate in all the benefit programs of the District, but with accruals adjusted on a pro-rated basis.

Part-Time Employees. A part-time employee is defined as an employee whose total hours worked annually is less than 1664 hours (an *average* of less than 32 hours per week). Part-time employees may or may not be specifically limited in the number of hours worked per week or pay period, at the General Manager's discretion, but they must be paid for each hour worked. Part-time employees are entitled to participate in the District's holiday and vacation program. Upon completion of six months of employment, a part-time employee will be paid for a pro-rated amount of an 8-hour workday for any District holiday for which the employee was regularly scheduled to work. Vacation for part-time employees will accrue at the rate established under the Vacations section of this manual. Part-time employees are not eligible for the District's other

benefit programs. Part-time employees are paid overtime for hours they work in excess of 40 hours per workweek.

Temporary Employees. A temporary employee is defined as an employee who is hired for a specific period of time or the completion of a specific task or project. Temporary employees are not limited in the number of hours they can work by week, pay period or annually. Temporary employees are not eligible for the District's benefit program in accordance with applicable State and Federal labor law. Temporary employees are paid overtime for hours they work in excess of 40 hours per work week.

Interns. An intern is a student employee or volunteer for the District who is working to obtain experience and knowledge in furtherance of career goals. An intern may or may not receive monetary compensation. Interns are not eligible for the District's benefit program, in accordance with applicable State and Federal labor law.

Compensatory Time

Full-time District employees from time to time work in excess of the standard 40 hours per week and 80 hours per pay period. Exempt employees earn compensatory time credits at the rate of 1 hour of compensatory time for each hour worked in excess of 80 hours in a pay period when they have actually worked 85 hours or more in that same pay period. For example, if an exempt employee works 84.5 hours in a pay period, the employee will receive no compensatory time credit; however, if the exempt employee works 85 hours in a pay period, the employee will receive 5-hours of compensatory time credit, or an hour for each hour over 80 hours per pay period. To receive compensatory time credit, the employee must note concisely on the timesheet for that period what work was being performed beyond the normal 8 or 10 hour workday. The Notes section of the Journyx Timesheet should be completed for each day with work beyond the normal work hours before it is submitted for approval by the General Manager.

In counting hours worked per week for purposes of calculating compensatory time earned, only hours physically worked by the employee during the timekeeping period plus official District holiday hours, if applicable in that timekeeping period, are counted as "hours worked" toward the 85 hour threshold in determining eligibility to earn compensatory time. Other paid time off (e.g. Vacation, Sick, Jury Duty, Bereavement) is not counted as "hours worked" toward the threshold and do not earn compensatory time. Only hours that are worked in the employee's normal or temporarily assigned work location or while conducting business on travel are eligible for earning compensation time; specifically, hours working at home, even if in the performance of District business and as part of the normal work day, are not counted toward the threshold and are not eligible for earning compensatory time. Appendix H has more detailed information concerning earning compensatory time.

Exempt employees traveling on business may include travel time in their normal workday total but may not exceed their 8 or 10 hour daily total, depending on the employee's work schedule. Any travel spent outside of the employee's normal work day is not chargeable time. Hours in normal commuting between the employee's residence and local duty station are not chargeable

time under any circumstance. Compensatory time earned is credited at the end of each pay period and is not available for use until credited.

Compensatory time is taken by an exempt employee at the discretion of the General Manager. If an exempt employee requests the use of compensatory time, such use shall be permitted within a reasonable period after the request is made, if the use of the compensatory time does not unduly disrupt the operations of the District. No more than 20 hours of compensatory time may be used in any one 40-hour work period, except during a termination notice period. The General Manager may, at his/her discretion, ask the employee to take compensatory time off in times of light workload.

There is a maximum accumulation of 240 hours of compensatory time allowed, with a maximum of 120 hours that can be carried over from one fiscal year to the next. Compensatory time cannot be sold back to the District by an exempt employee at any time, including upon separation from the District. At the option of the General Manager, an employee may be required to take unused compensatory time during the termination notice period.

Vacation

The District recognizes the importance of vacation time for rest, relaxation, and recreation. The length of an employee's vacation is based on the length of their employment with the District. All full-time employees and eligible part-time employees earn vacation time in accordance with the following schedules:

Length of Service Employment:

Full-time Employees

0 - end of 4 th year	6.67 hours per month up to 80 hours per year
5 - end of 9 th year	10 hours per month up to 120 hours per year
10+ years	13.34 hours per month up to 160 hours per year

Part-time Employees

0 – end of 4 th year	3.5 hours per month up to 40 hours per year
5+ years	5 hours per month up to 60 hours per year

Eligible employees will begin to accrue vacation benefits on their first day of employment, and are eligible to take vacation after completion of six months service unless otherwise approved by the General Manager.

All vacation requests must be submitted with reasonable advance notice for approval by the General Manager. Every effort will be made to schedule employee vacations at the time they are requested. However, operating conditions will determine whether the employee's vacation can be scheduled at the exact time requested. Authorized vacation may not count towards overtime or accrual of compensatory time.

It is the District's opinion that vacations are beneficial to employees, and employee vacations should be taken each year. However, in the event an employee's work schedule does not permit them to take all of their annual vacation, the employee may, with prior approval of the General Manager, carry over up to one year's vacation accrual to the next year, or sell unused vacation time back to the District. An employee may not accrue more than two years vacation at any one time. If an employee accrues up to two years vacation time, the employee will not be allowed to accrue further vacation time until the two years of accrued time is reduced by taking time off or it is sold back to the District. Any accrued vacation time can be sold back to the District once a year during the first pay period in December.

If an employee voluntarily leaves the employ of the District, and a minimum of two weeks notice is given or the employee is terminated, the employee will be paid for any unused vacation to which they are entitled at the time of the separation. At the option of the General Manager, the employee may be required to take unused vacation during the termination notice period. Vacation and sick time will continue to accrue during the two-week notification period.

For calculating vacation eligibility, an employee's length of service is the continuous time spent in permanent employment of the District, including time spent on military leave of absence but excluding leave of absence for any other purpose, unless otherwise waived by the Board. Vacation does not accumulate during the time an employee is on a non-military related leave of absence.

Holidays

The District recognizes 13 paid holidays for eligible employees and will post the holiday schedule at the beginning of each year as developed by the General Manager and approved by the Board. Holidays which fall on Saturday will be observed on Friday, and those which fall on Sunday will be observed on Monday. If an employee is authorized to work on a scheduled holiday with prior approval and is an exempt employee, those holiday hours worked will be added to the Regular Work Hours total for that day and for the timekeeping period, whereby exempts would potentially earn compensatory time for such work (if the threshold is exceeded and is properly notated). Note that holiday hours are included in the compensatory time eligibility and earned calculations.

Employees participating in the 4-day work week program who are scheduled to be off on Mondays will observe the Monday holiday on Tuesday, and employees scheduled to be off on Friday will observe the Friday holiday on Thursday. Holidays will be credited at 10 hours for those employees participating in the 10-hour, 4-day work week program, and 8 hours for employees working an 8-hour, 5-day work program.

District Holidays:

1. New Year's Day
2. Martin Luther King Day
3. Presidents' Day
4. Memorial Day

5. July 4th
6. Labor Day
7. Veterans Day
8. Thanksgiving Day
9. Day after Thanksgiving
10. Christmas Eve
11. Christmas Day
12. Day after Christmas
13. Personal Day (formerly “floating holiday,” taken at the discretion of the employee and upon approval by the General Manager). All staff-level employees receive 1 personal day per fiscal year, while senior staff receives 2 personal days, and principal staff receives 3.

If a holiday occurs during an employee’s vacation, the employee will be paid for that holiday and will not be charged with a vacation day for the day the holiday is observed.

Absence Due to Illness or Emergency

Sick Time. An employee’s value to the District depends upon reporting to work daily and on time. It is important to maintain a good attendance record. The District recognizes that there will be times when an employee will be unable to work because of personal illness or injury, regular medical or dental appointments, or because of an emergency or illness involving their immediate family. In this context, immediate family is defined as spouse, children, spouses of children, parents, brother, sister, father-in-law, mother-in-law, grandparents, and grandchildren, step-children, step-parents, step-brother, step-sister, step-grandparents and step-grandchildren. In these instances, the District does not want employees to suffer financially as a result of their absence from work.

Eligible employees will receive sick leave credit of 1 day per month (sick leave will accrue at 10 hours per month for those employees participating in the 10-hour, 4-day work week program, and 8 hours per month for those employees working an 8-hour, 5-day work schedule) beginning the first day of employment with the District. Sick leave credits are granted by the District for the sole purpose of giving employees income protection when they are absent from work for the reasons described in this policy. They do not entitle the employee to be paid for the time they are absent from work for other reasons. Unused sick leave will be banked in the employee’s name and may be drawn on for extended periods of illness or injury. Sick leave cannot be sold back to the District at any time, including upon separation from the District. Sick leave may be taken in one-hour increments.

Inclement Weather. A major concern of the District is the safety of District employees. Inclement weather is defined as any weather emergency that precludes an employee from performing their normally scheduled duties. These conditions can include, but are not limited to, immediate or residual effects from dangerous driving conditions due to snow, sleet or ice, flooding, or the threat of other severe weather that could threaten or harm the lives of employees at home, work, or while traveling to and from work.

The District offices will be officially closed and inclement weather administrative leave will be authorized when either the Austin Independent School District or the Eanes Independent School District is/are also closed for inclement weather, if the schools would otherwise be open. If (and only if) both of the schools would have been closed anyway (for example, on Winter Holiday Break), the District will be officially closed if any day shifts at either Freescale Semiconductor-Oak Hill or the IRS Service Center are closed. (Usually, these schools and/or businesses will take a similar view on the hazards to their students and/or employees.) When the office is closed, employees are not prohibited from coming to work if they think they can safely but are not expected to do so. Under these circumstances, there is no need to notify the General Manager or the other staff of absence from work. The District will try to arrange some means to change the outgoing phone message to announce the office closure for anyone who calls in, but an incoming caller encountering an unanswered phone would be transferred to a voice mailbox regardless, as during normal non-business hours.

The office closure notwithstanding, employees should use their own good judgment about whether it is safe for them to commute from their homes to work and back, including taking and picking kids up at school before and/or after work as needed. Employees concerned about their own or their family's safety during inclement weather conditions in which the office remains open should notify the General Manager so that administrative leave might be authorized on an individual basis, at the General Manager's discretion.

All District employees will be paid their normal rate of pay when inclement weather administrative leave is authorized. Authorized inclement weather administrative leave shall not count toward overtime or be counted toward accrual of compensatory time.

Leave of Absence

Leave of Absence. Long-term leaves of absence with or without pay may be granted in unusual cases upon prior approval of the Board when it is in the District's interest to authorize such leave. The General Manager should be contacted concerning availability of the employee's benefit coverage during such leave.

Military Duty. The District complies with state and federal laws governing an employee's absence from work for military training or duty. If an employee is called to active military duty or to Reserve or National Guard training, or if an employee volunteers for the same, the employee should notify the General Manager and submit copies of their military orders as soon as practicable. The District will pay full-time employees who are members of the state military forces or a reserve component of the armed forces, for a period not to exceed fifteen days in a fiscal year, their full salary when such employees are engaged in authorized training or duty ordered or authorized by proper authority. Otherwise, a military leave of absence is unpaid leave. An employee's eligibility for reinstatement after military duty or training is completed is determined in accordance with applicable federal and state law.

Maternity Leave. Maternity leave is treated as any other sick leave or leave of absence.

Absence

Jury Duty. The District recognizes all employees' civic responsibility to participate in the judicial system as a juror. When an employee receives a summons for jury duty, they should immediately notify their supervisor. The employee will receive their regular pay, provided adequate proof of jury duty is furnished. Up to 30 calendar days per calendar year will be paid, after which time the Board may approve additional time.

Death in the Family. Paid time off, up to three days, is available for the employee to attend the funeral of a member of their immediate family. In this context, immediate family is defined as spouse, children, spouses of children, parents, brother, sister, father-in-law, mother-in-law, grandparents and grandchildren, step-children, step-parents, step-brother, step-sister, step-grandparents and step-grandchildren. Approval of the General Manager is required for time off to attend funerals of other relatives or associates.

Insurance

Full-time employees are eligible for the District's group insurance program on the first day of the month following the completion of 60 days of employment.

The District will pay the cost of the employee's Hospital/Medical Insurance premium, with prescription cards. The District will pay a portion of dependent care coverage at the rate of 25% of the dependent Hospital/Medical Insurance premium. The District will pay the full premium of the employee and the employee's dependents' Dental Insurance. The District will pay the full premium for basic Employee Life Insurance Coverage at two (2) times the employee's annual salary up to \$100,000 of coverage. This includes Short-term Disability coverage, Long-term Disability coverage, and Basic Employee Accidental Death and Dismemberment.

The District will reimburse employees up to \$200 per calendar year per covered individual for routine vision care which may include vision analysis, prescription glasses and frames, and/or contact lenses. Any vision care costs exceeding more than the \$200 allowance per calendar year will be paid by the employee. Injuries to eyes will be covered under the guidelines outlined in the District's Hospital/Medical Insurance Plan. Employees are qualified for the District's vision coverage program upon completion of 60 days of full-time employment.

The following is a brief outline of coverage available:

District Paid Coverage:

- Employee Hospital/Medical Insurance, with prescription cards;
- 25% Dependent Hospital/Medical Insurance;
- Employee and Dependent Dental Insurance;
- Employee Vision;
- Basic Employee Life Insurance with Short-term Disability and Long-term Disability Coverage; and
- Basic Employee Accidental Death and Dismemberment.

Employee Paid Coverage:

- Various supplemental AFLAC packages.

Pay Policy Administration

Timekeeping. Accurate time records are essential to ensure District compliance with Wage and Hour Regulations, correct allocation of labor effort among various direct and indirect accounts, and proper computation of overtime and compensatory time. Daily timekeeping is used to assure these goals are achieved in a manageable fashion. Each employee will enter their time for each workday, distributed among appropriate accounts according to the benefit provided by that labor, at the end of that workday (or as soon thereafter as feasible) through his/her networked computer, using the Journyx electronic timekeeping system (“Timesheet”).

Non-exempt employees will enter time actually worked each day into Timesheet, as required by law. Every exempt employee must account each day for a minimum of either 8 hours or 10 hours, depending on the flex-time option selected. No partial days may be entered. If any exempt employee does not beneficially work the applicable minimum number of hours on a workday and does not utilize common paid time off accounts (vacation/holiday/sick leave), the employee must use *previously earned* compensatory time, from the employee’s existing compensatory time balance, to make up for that day’s shortfall by entering it in Timesheet for that day, even if the employee anticipates working excess hours later in the workweek and earning such compensatory time. Accounting will adjust paid time off accounts as described in Appendix H, which also contains more detail on timekeeping requirements.

The General Manager or the General Manager’s designate will electronically approve all time sheets by 8:30 a.m. Monday after each pay period, which approval initiates the payroll posting process. For employees taking off Mondays in the flex-time arrangement, those employees must have completed their time entry and “request approval” through the Journyx system on their last working day of the biweekly pay period (generally, the close of business Friday). For employees taking off Fridays in flex-time and for employees working 5-day weeks, those employees must have completed their time entry and “request approval” no later than 8:00 a.m. Monday following a biweekly pay period.

If an exempt employee’s time sheet is not submitted for approval by the deadline listed above, then the administrative staff will use up to 20 hours of compensatory time per week, and the balance in vacation hours to complete the time sheet for those days with no time recorded. If the exempt employee does not have enough accrued vacation and compensatory time to cover the pay period, then their accrued vacation balance will become negative to cover the pay period. The employee will not be eligible to take any paid vacation time with a negative balance until the vacation balance is restored by normal accruals; only leave without pay, if authorized by the General Manager, will be possible during this period.

For a non-exempt employee who has not timely submitted the time sheet, the employee will not receive a pay check for that pay period on that pay date. The employee must submit their time

sheet for that time period for General Manager approval as soon as possible after the missed deadline, but will not receive payment for those hours until the next regular pay date. If the missing time is not recorded in Timesheet and submitted for General Manager approval by the deadline for that next following timekeeping and pay period, then the non-exempt employee will forfeit pay for that time period that was not timely recorded and will be subject to other management sanctions.

Time sheets submitted for approval on time will not incur any such issues. And by entering time into Journyx Timesheet at the end of each work day on a routine basis, both exempt and non-exempt employees can minimize any adverse impact that they might incur if their time sheets are not submitted for approval by the deadline.

Employees must apprise the General Manager or the Administrative Team Leader if there is an error in their timekeeping record that was already electronically authorized for approval; only the GM or Administrative Team Leader may make changes to timekeeping records after they have been approved. Generally, such changes can only be made before payroll processing for that time period occurs.

Pay Periods. Paydays will be every other Thursday, with time credited through the previous Sunday. If a payday falls on a holiday, employees will be paid on the last working day prior to the holiday.

Deductions. Certain deductions are made from employees' gross earnings. These deductions are of two types: those required by law and those authorized by the employee.

The law requires that regular amounts be deducted from an employee's pay and to be applied toward payment of the employee's federal income taxes, Social Security, and Medicare. In addition, the District, in accordance with federal and applicable local and state laws, pays to various government agencies the employer's contributions for Social Security, Medicare, and unemployment taxes, and contributes 7.5% to the Board-approved Employee Retirement Plan for qualified employees.

If an employee wishes, they may have additional deductions taken for the employee optional insurance programs, a credit union, voluntary charitable contributions, and/or other miscellaneous deductions on written request to the General Manager provided that the deductions are regularly scheduled.

Direct Deposit Option. The District offers the option of having paychecks directly deposited into an employee's bank account with employee authorization.

Salary Program. An employee's starting salary is based on the requirements of the position for which they have been hired, and the General Manager's evaluation of their qualifications.

Promotions and Salary Adjustments. It is the District's policy to make every reasonable effort to promote from within and to maintain a competitive salary and benefit package. Promotions and salary adjustments are based on an employee's contributions towards achieving the District's

objectives, achievements of personal objectives established in performance appraisals, work performance, changes in responsibility, professional and educational achievements, business conditions, and other pertinent factors. Promotions may be given to District employees by the General Manager. Salary adjustments must be authorized by the Board. Promotions and salary adjustments may be made any time during the fiscal year as appropriate with corresponding budget amendments.

Cost of Living Increases. Cost of living increases may be given at the discretion of the Board, based upon budgetary and other considerations. Any cost of living increase will be approved by the Board during the budget cycle for the following fiscal year, and will apply to all District full-time and part-time employees. Cost of living increases will be part of the regular pay in the future and will become effective on the first pay date after the start of each fiscal year, even if part of the associated pay period is in the prior fiscal year.

Merit-Based Increases. The District also desires that outstanding service to the District be recognized. At its discretion, the Board may approve merit pay increases for individual employees based upon performance, as suggested by the General Manager. Any merit-based increase will be approved by the Board during the budget cycle for the following fiscal year. A merit-based increase bestowed on an employee will become part of the regular pay for that employee, carrying forward to future fiscal years and thus added to the pay of the employee, in all respects like the cost-of-living increase.

Objectives-based Incentive Compensation. The District sets individual performance objectives, representing special goals that are distinct from the normal work activities of individual employees, to help foster and align employee work performance with desired strategic and tactical objectives of the District. At its discretion, the Board may establish an incentive compensation pool during the approval of the budget for the following fiscal year. Achieving individual objectives in the fiscal year to which they apply earns that employee a pro-rata share of the potential incentive compensation pool as a one-time, non-recurring lump-sum annual payment; i.e., it is not added to the regular pay of the employee. The Incentive Compensation Plan is more fully described in Appendix G to this manual.

Salary Adjustments. Upon successful attainment of a professional certification, registration, or an advanced academic degree, or as otherwise recommended by the General Manager, an employee may be reviewed for a possible promotion and/or salary adjustment. Salary adjustments must be authorized by the Board and may be made any time during the fiscal year as appropriate with corresponding budget amendments. Salary adjustments are prospective in application only and become part of the regular pay for that employee.

Sale of Accrued Benefits. Employees may sell any accrued vacation time back to the District each year during the first pay period in December, and will be paid for all accrued vacation time upon separation from the District if proper notice is given. Employees cannot sell sick time or compensatory time back to the District. Employees will not be paid for sick time upon separation from the District.

Retirement. The District maintains a mandatory participation retirement program for its eligible employees after the first year of employment. (See Retirement Adoption Agreement for eligibility requirements). The District will deduct 7.5% of the employee's salary from the employee's paycheck each pay period and then match that 7.5% with a District contribution. The employee portion and the District's portion of the retirement funds are then invested under the employee's name in a retirement plan approved by the Board. An employee may choose from among many different funds for the retirement plan. Upon entry into the program, eligible employees are 50% vested with the District's contribution. After two years of service with the District, eligible employees will be 100% vested. Employee contributions to the account are always 100% vested.

NOTE: This is a federal income tax-deferred program. In other words, 7.5% of gross wages will be tax deferred for federal income taxes only; not for Social Security or Medicare taxes.

Severance Policy. A severance package is not legally required of employers. Severance packages are benefits, and with few exceptions, providing benefits is optional for employers in the United States. However, the District offers a severance package to full-time employees who have worked at the District for at least one full year and that are terminated without cause. Severance is equal to one week of salary for each full year employee is employed full-time by the District, to be pro-rated for any time worked less than a full year, upon termination without cause. This amount will be payable to the terminated employee in one lump sum at the time the last paycheck is scheduled to be paid.

Disciplinary Action and Termination

Resignation. Employees are requested to give at least two weeks notice in writing prior to voluntary termination. All keys and District property must be returned before the last working day. Two weeks notice is required for payment of accrued vacation time.

Termination and Discipline. Matters which may result in disciplinary action include, but are not limited to, the following: unsatisfactory job performance, repeated tardiness or excessive absence, insubordination, illegal acts, dishonesty, falsification of District records, failing to follow health and safety rules, breaches of security, violations of the District Code of Ethics, or destruction of District property. The District, in its selection process, makes every effort to hire individuals who will be able to perform to District standards. There are times, however, when an employee does not conform to District standards and is subject to discipline. Violation of District policies may result in (but is not limited to) the following disciplinary action: oral reprimands, written reprimands, suspension with or without pay, and/or employment termination. Generally, discussions with supervisors and attempts to remedy problems precede termination. However, immediate termination without prior discipline may result when the severity of the infraction or the best interest of the District requires such action. Please refer to Appendix B, the District's Grievance Policy, for further explanation and a detailed description of District policy.

Professional Registration Fees and Education

Professional Registration Fees. Professional employees may be reimbursed for one professional registration/certification at District expense so long as such registration or certification is a qualification for the employee's job with the District, or otherwise directly related to the services performed by the employee on behalf of the District. Professional registration/certification may be a condition for assuming greater responsibility. Reimbursement will be considered for necessary preparatory study courses and professional examinations. To be eligible for reimbursement, the employee must have received approval in writing from the General Manager prior to seeking professional registration/certification. Additional registrations/certifications must be recommended by the General Manager and approved by the Board for payment.

Continuing Education. The District encourages employees to pursue training and development courses, which would be of direct benefit to both the District and the employee in terms of improved performance in the employee's present position, or in preparation for future assignments. Request for reimbursement of educational expenses should be submitted in writing to the General Manager in advance of registration. The General Manager will determine which educational expenses will be reimbursed and will provide written approval. The District will reimburse these expenses at the beginning of the class to help off-set the employee's expenses contingent upon the following factors:

1. The employee must be employed with the District for a minimum of one (1) year to be eligible for Continuing Education;
2. Upon completion of the class, the employee must make at least a C or better;
3. The employee must maintain full-time employment status with the District throughout the duration of the class;
4. The employee must remain employed with the District for a minimum of 1 year after completion of the Continuing Education.

If the employee withdraws completely or does not fulfill the above-mentioned criteria, the employee will be required to pay back, in full, the total reimbursement of all educational expenses paid by the District. Upon successful attainment of a professional certification or an advanced academic degree, the employee may be reviewed for a possible promotion and/or salary adjustment.

Professional Societies. For professional employees, the District will pay for membership fees and dues in professional societies in which the employee actively participates. Prior approval for payment of such fees or dues must be obtained from the General Manager. The Board will review from time to time to ascertain the number of professional organizations to which an employee belongs, and may set limits or reduce the number of organizations for which the District will pay fees or dues.

General

Length of Service Awards. The District appreciates and recognizes the importance of employees' continued service with the District. Employees will be presented a service award commemorating continued service after the 5th, 10th, 15th, 20th, 25th and 30th years.

Personal Appearance. All employees are representatives of the District. An employee's neat appearance and appropriate dress help to create a business-like atmosphere and reflect a good image of the District and the employee.

Safety. The District makes every effort to keep the work area safe and free from hazard. The employee's supervisor will assist with safety and health requirements. Employees are expected to observe all applicable safety requirements and report immediately any unsafe or hazardous condition to their supervisor, who in turn, will notify the General Manager.

If, in spite of precautions, an employee is injured on the job, the employee should immediately notify their supervisor, who is responsible for notifying the District's insurance department. Job-related injuries are covered by the District's workers compensation insurance carrier. If an employee is involved in a business-related automobile accident, the employee should notify their supervisor immediately.

Telephone Use. Telephones have been installed in the office for the purpose of transacting District business. Employees should use professional discretion when making or accepting personal calls. Telephone courtesy is important. These simple rules should become a habit:

- Answer all calls promptly;
- Identify the District and yourself;
- Speak in a friendly manner;
- Transfer calls only when necessary;
- Leave word with the Receptionist when you will be away from your telephone;
- Call in for messages when you are out for any length of time; and
- No personal long distance calls should be made which are charged to the District; however, if circumstances occur when personal calls must be made, the employee will notify the accountant and make arrangements to repay the billed amount.

Alcohol and Drug Use. The consumption of alcohol during regular work hours and the use or distribution of illegal drugs is prohibited. Please refer to and sign Appendix C, the District's Policy for a Drug-Free Workplace.

Smoking. The District provides a smoke-free work environment. Smoking is only permitted outside of the District office and vehicles.

Board and Staff Communication. The Board relies on District staff to provide information, advice, opinions, and ideas that may be useful and necessary for them to carry out their duties as

elected officials. Therefore, in general, staff members may feel free to approach any Director and communicate with them about such matters as may be of concern to the District, Directors, or staff. Likewise, Directors may contact District employees to discuss various matters, seek information, or ask for advice, opinions, etc. on similar matters of concern. However, such communications should not be abused by either employees or Directors, nor should such communications be used to “short-circuit” or avoid proper communication channels between the Directors, General Manager, Program Managers, and staff. To the greatest extent possible, employees and Directors should keep the General Manager informed about the issues, concerns, and matters discussed. Similarly, Directors who desire or need staff to perform significant work tasks should arrange for such work assignments through the General Manager rather than assign tasks directly.

Professional Conduct. Employees and Directors are representatives of the District and are subject to public scrutiny at all times. Therefore, all employees and Directors are expected to conduct themselves in an exemplary and professional manner. The District expects courteous and respectful interpersonal communications at all times, both internally and with the public at large. This includes all interaction between individuals including, but not limited to verbal, written, email, and attitudinal. Professional disagreements and personality conflicts are expected to occur from time to time but should not escalate into unnecessary, antagonistic, aggressive, or argumentative behavior. The District views such actions as undesirable, counterproductive, and contrary to workplace harmony. Such situations are embarrassing, not only to the individuals involved but to the District as well, and should be avoided or addressed through the Grievance Policy (Appendix B).

Resolving Problems

Appendix B, the District's Grievance Policy, is mandatory reading for all employees. Should an employee have a problem, please refer to this policy for further guidance.

Appendix A - Ethics Policy

Section 1: General Statement of Policy

It is the policy of the District that its Directors, employees, and agents conduct themselves in a manner consistent with sound business and ethical practices; that the public interest is paramount in all District actions; and that even the appearance of impropriety be avoided to ensure and maintain public confidence in the District.

Section 2: The Purpose of the Policy

The purpose of this ethics policy is to:

1. Encourage high ethical standards in official conduct;
2. Establish guidelines for ethical standards of conduct for all District officials and employees as public servants;
3. Increase public confidence that the resources of their government are not used for unwarranted direct or indirect enrichment of governmental decision-makers or their close advisers; and,
4. Eliminate or at least diminish any incentive for private interests to conduct private financial transactions with governmental decision-makers or their close advisers for the purpose of securing a special advantage in competition for governmental contracts for services and goods.

Section 3: Standards of Conduct

District Directors, employees, and agents shall follow certain standards of conduct:

1. No District official, employee, or agent shall be directly or indirectly interested in any contract for the purchase of any property or construction of any work by or for the District.
2. No District official, employee, or agent of the District shall use his/her office or position or any confidential information received through his/her holding of a District position to transact any business in his/her official capacity with any person or entity in which he/she, or a member of his/her immediate family, has an interest except in accordance with procedures provided for in Section 6.
3. A District official, employee, or agent may not accept gifts, entertainment, or services from individuals or companies doing or seeking to do business with the District, unless the transaction meets all the following requirements:
 - a. Is in keeping with good business ethics;
 - b. Is customary and proper under the circumstances, and gives no appearance of impropriety;
 - c. Serves a valid District business purpose;
 - d. Does not impose any sense of obligation on the recipient to the donor;
 - e. Does not result in any kind of special or favored treatment for the donor;

- f. Cannot be viewed as extravagant, excessive, or too frequent considering all the circumstances;
- g. Does not involve cash payments, gift certificates, credit arrangements of any kind, or any item of more than nominal value, i.e. \$25.00;
- h. Does not involve materials, services, repairs, or improvements at no cost or at unreasonably low prices; and
- i. There is no effort made to conceal the full facts by either the recipient or the donor.

This is not intended to prevent gifts conferred on account of kinship or a personal, professional, or business relationship independent of the status of the recipient as a District official.

A District employee may not provide to others gifts, entertainment, or services on behalf of the District that could not be accepted under this policy.

Section 4: Communication of Ethics Policy

All new and current Directors, employees, committee members, and agents shall be provided a copy of the District Ethics Policy. New and current employees shall sign a *Statement of Affirmation* upon employment, and shall reaffirm their adherence to the Ethics Policy at the time of Director election confirmations and oaths of office. A copy of the signed *Statement of Affirmation* will be retained in the employee's personnel file. All new and current Directors shall sign a *Statement of Affirmation* which will be filed with the Board or District Secretary and reaffirmed at the time of Director election confirmations and oaths of office.

The Ethics Policy shall be made available to District vendors, contractors, financial institutions, and professional consultants upon engagement of services. The Policy shall also be made available to prospective vendors and contractors submitting bids for services.

Section 5: Financial Reporting of Directors

As required by the Texas Election Code, Title 15, Chapter 254, District Directors are required to file semi-annual reports of financial contributions, loans, and expenditures as set out in § 254.093. Statements are to be filed by January 15th and July 15th of each year on forms prescribed by the Secretary of State. The July 15th report covers the period beginning January 1st, the day the Director takes office, or the first day after the period covered by the last report as applicable, and continuing through June 30th. The second report, required to be filed no later than January 15th, covers the period beginning July 1st, the day the Director takes office, or the first day after the period covered by the last report, as applicable, and continuing through December 31st. The contents of such reports are set out in Texas Election Code §§ 254.031 and 254.091.

Each Director shall file the required financial reports with the Secretary of the Board of Directors of the District no later than January 15th and July 15th of each year. A Director is not required to report Director expenditures made from the Director's personal funds. If the Director has neither received nor expended \$500.00 of political contributions during a reporting period, a Director's report is not required.

A Director who becomes a candidate is subject to the reporting requirements for candidates as set out in §§ 254.061 - 254.088 of the Texas Election Code.

Section 6: Conflict of Interest

1. Affidavit and Abstention from Voting [Local Government Code Section 171.004 (Vernon Supp. 1992)]
 - a. If a Director has a substantial interest in a business entity or in real property, the Director shall file, before a vote or a decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:
 - i. in the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or,
 - ii. in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.
 - b. The affidavit must be filed with the General Manager of the District.
 - c. If a Director is required to file and does file an affidavit, the Director is not required to abstain from further participation in the matter requiring the affidavit if a majority of the Directors are likewise required to file and do file affidavits of similar interests on the same official action.
2. Voting on Budget [Local Government Code, Section 171.005 (Vernon Supp. 1992)]
 - a. The Board of Directors of the District shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a Director has a substantial interest.
 - b. Except as provided by this Section, the affected Director may not participate in that separate vote. The Director may vote on a final budget if: (a) the Director has complied with the provisions of this Section; and (b) the matter in which the Director is concerned has been resolved.
3. Definitions
 - a. "Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust or any other entity recognized by law. (Local Government Code, Section 171.001)
 - b. For purposes of this policy, a Director has a substantial interest in a business entity if:
 - i. The Director owns 10% or more of the voting stock or shares of the business entity or owns either 10% or more, or \$5,000 or more, of the fair market value of the business entity; or
 - ii. Funds received by the Director from the business entity exceed 10% of the Director's gross income for the previous year.
 - c. A Director has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

- d. A Director is considered to have a substantial interest under this Section if a person related to the Director in the first degree by consanguinity or affinity has a substantial interest under this Section. (Local Government Code, Section 171.002)
- 4. Prohibited Acts/Penalties (Local Government Code, Section 171.003)
 - a. A Director commits an offense if the Director knowingly (i) violates any of the Sections above; (ii) acts as a surety for a business entity that has work, business or a contract with the District; or (iii) acts as a surety on any official bond required of a Director of the District.
 - b. An offense under this section is a Class A misdemeanor.

Section 7: Revolving Door

No District Director or employee may represent an interest other than the District's in front of the Board of Directors for 90 days after termination of employment/term of office with the District.

Section 8: Remedies

If it is determined that a violation of this Ethics Policy occurred by an employee, the General Manager shall proceed promptly to determine the appropriate penalty. Appropriate documentation of the violation, findings, and penalty will be maintained in accordance with the personnel policies of the District.

If it is determined that a violation of this Policy occurred by a District official, Director or agent, the Board shall proceed promptly to determine the appropriate action.

Ethics Policy – Statement of Affirmation

I acknowledge that I have received a copy of the District Ethics Policy. I also acknowledge that the provisions of the Policy are part of the terms and conditions of my employment and that I agree to abide by them.

Signature of Employee

Date:

Print Name

Employee's Social Security #

Appendix B - Grievance Policy

Section 1.0: Purpose of the Grievance Policy

1.1 The purpose of the Grievance Policy is to foster mutual respect and trust among those who work for the District by providing a fair and expeditious process through which employees, supervisors, and members of the Board may resolve conflicts internally so as to maintain a congenial and efficient workplace.

Section 2.0: Objective of the Grievance Policy

2.1 The District's intent is to build a workplace environment in which cooperation, concern for one another, and individual commitment to making a positive contribution to the operations and atmosphere of the District lead to increased ability to talk with each other honestly and considerately about problems as they arise. Where possible, the individuals directly involved are to meet and try to resolve conflicts without resorting to formal procedures. When formal procedures are needed, problems are to be resolved at the lowest administrative level possible. These policies have been developed to address grievances in a professional manner and to move each grievance through the administrative network as quickly as practicable and in compliance with applicable state and federal law.

Section 3.0: Determination of a Grievance

3.1 The grievance policy and procedure is intended to help make the District a better place in which to work. If, however, the grievance policy is abused by excessive or frivolous use for reasons that lack substance, and if utilizing the resources needed to carry out the grievance process to its conclusion is not in the best interest of the District, or the public that the District exists to serve, then the General Manager, with the consent of the Board, may decline to permit the grievance to proceed and may so inform the aggrieved employee ("grievant") in writing setting out the reasons supporting the decision not to permit the grievance to go forward. The District policy is to resolve grievances at the lowest supervisory level possible. Many grievances can be resolved between the grievant and his or her direct supervisor. *Most grievances can and should be resolved without involving the Board.* Since the Board is the District's policy making body and the General Manager is responsible for hiring, disciplining, and terminating employees for the District, grievances should be taken to the Board only in the instances specifically set out herein or as a last resort when all else fails.

Not every problem that arises in the workplace or relates to work is appropriate for resolution through the grievance process. These less serious problems can and should be dealt with at the staff level, preferably between the parties involved on an informal, courteous, respectful, and professional basis. Prior to, or in lieu of, initiating a grievance action, District employees are encouraged to discuss their concerns and complaints with supervisors, including the General Manager and Board if appropriate. Supervisors with whom such matters are discussed may be able, and are encouraged, to assist with addressing such concerns through

small groups, special task forces, mediation or other means. By utilizing these various methods and techniques to respond to employee concerns, the District hopes that corrections of past or current errors, improved working conditions, and enhanced communication among employees and Directors may result in new procedures or policies to improve District working conditions and attitudes.

3.2 Before filing a grievance consider the following:

- (a) Is this matter significant enough to take the time necessary to go through the grievance process?
- (b) Have I given my best efforts to working this problem out informally?
- (c) After putting my complaint in writing, am I still convinced that it is important enough or is appropriate to file a grievance?
- (d) Does my written grievance state my complaint concisely, does it cover the essential facts, and does it stick to the point?
- (e) Have I prepared documentation to provide copies as set out in the grievance policy?
- (f) Have I followed applicable procedures or protocol such as discussing the issues with the appropriate administrative employee in the District staff structure prior to filing a grievance, and am I still within the time constraints set out in the grievance policy?
- (g) Have I utilized my “cooling off” period? Am I filing a reasonable grievance that is based on fact and is not driven by emotion?

If the grievant can honestly answer “yes” to each of these questions, then it is the right of the employee to pursue the formal grievance process in an effort to seek resolution to the issue in question and provide for a more productive working environment fostered by mutual trust and respect.

3.3 Examples of work-related matters about which a District employee may submit a grievance include, but are not limited to, the following:

- (a) Termination of employment;
- (b) Written reprimand;
- (c) Suspension with or without pay;
- (d) Demotion;

- (e) Violation of District policies;
- (f) Verbal or physical abuse including, but not limited to, assault.

Complaints regarding discrimination or harassment are governed by the District's Equal Employment Opportunity Policy. However, if an employee has followed the Equal Employment Opportunity Policy and is not satisfied with the resolution of a complaint of discrimination or harassment, he/she may submit a grievance under this policy.

Section 4.0 Initiating the Formal Grievance Procedure

4.1 Grievance Forms are available in the office where the personnel records for the District are maintained. The grievance procedure starts with filling out a grievance form. Any grievant who wishes to complain about any work-related matter is required to file a Grievance Form setting forth completely and in detail the bases for the grievance.

Section 5.0 Submitting a Grievance

5.1 For all grievances, except those involving termination or matters for which alternative procedures discussed below may be utilized, grievants are required to submit a completed Grievance Form to their direct supervisor. When the grievant believes that he or she cannot get a fair hearing from or that it would not be appropriate to discuss the grievance with his or her direct supervisor, that grievance is submitted directly to the General Manager. When a grievance is submitted directly to the General Manager, he may designate another supervisor to hear the grievance. If the grievance is about the General Manager or a member of the Board, that grievance is submitted directly to the District's Board President. If the grievance is about the Board President, that grievance may be submitted to any or all of the other Board members.

When grievants are not satisfied with the determination made by their direct supervisor or the supervisor designated by the General Manager, they may appeal to the General Manager. If grievants are not satisfied with the determination of the General Manager, they may appeal to the Board. To submit a grievance directly, or to appeal a determination to the Board, the grievant submits a completed Grievance Form to the President of the Board. All appealed grievances concerning termination will be heard by the Board.

Section 6.0 Hearings and Determinations by Supervisors, the General Manager, and the Board of Directors

6.1 After hearing a grievance, the supervisor or the General Manager to whom the grievance was submitted is required to provide a written determination on the Grievance Form completed by the grievant or attached to that form and to discuss his or her determination with the grievant and the other party. The determination is to set out a proposed resolution or to explain why the grievance is denied or cannot be resolved. The grievant and the supervisory employee who heard the grievance are to sign and date the determination when it is received by

and discussed with the grievant. In all cases, completed paperwork concerning grievance issues will be provided to the Board for its review.

If the determination is made by a supervisor other than the General Manager and the grievant is not satisfied with it, the grievant may appeal to the General Manager. If the determination is upheld by or originates from the General Manager and the grievant is unsatisfied with it, the grievant may appeal to the Board.

Section 7.0 No Retaliation for Filing Grievance in Good Faith

7.1 If a District employee submits a grievance in good faith, that employee will not be unlawfully disciplined or otherwise retaliated against for submitting the grievance, even if any of the District's regular or contract employees, the General Manager or Board members disagree with the grievance. Employees who participate in an authorized investigation of a grievance by providing information, testimony or other assistance will not be discriminated against for having done so. Any violation of this provision will subject the offending party to disciplinary action.

Section 8.0 Grievance Timelines

8.1 Grievances are to be submitted in writing as soon as possible after the occurrence that is the subject of the grievance, but in any event, not sooner than five (5) working days nor more than thirty (30) working days after the employee is notified, or becomes aware of the action, event, or occurrence about which the employee is complaining in the grievance. This time frame is intended to provide a five (5) day "cooling off" period for the employee considering filing the grievance, offer a chance to clearly determine the appropriate course of action, and allow time to think through the problem logically outside of emotional influence.

8.2 Grievants who fail to comply with the thirty (30) working days requirement regarding the submitting of a grievance are not permitted to use the grievance procedure unless the General Manager or the Board determines that under applicable law, or because of mitigating circumstances, the grievant should be allowed to utilize the grievance process.

8.3 The initial hearing on a grievance is to be held within ten (10) working days of the receipt of the written grievance by the individual or entity that is to hear the grievance (except as provided for in Section 8.5.)

8.4 The initial determination in a grievance is to be made in writing and delivered to the grievant within five (5) working days after the hearing on the grievance.

8.5 When a grievance is heard by the Board, the hearing will be held at the next regularly scheduled meeting of the Board, after the Board President receives the written grievance. If the grievance is received by the Board President less than ten (10) working days before the next regularly scheduled Board meeting, the grievance need not be heard at the next Board meeting but may be delayed until the following Board meeting. A special Board meeting can be called to address the grievance if the Board President so desires.

8.6 Any timeline in this grievance procedure may be extended by agreement of both parties, that is, the grievant and the individual who is to hear the grievance, or grievant and the Board President if the Board is to hear the grievance. Because the grievance policy is intended to resolve employee grievances at the lowest administrative level possible, and as quickly and efficiently as practicable, no grievance process is to be held over so long that the time between when the grievant submits the grievance and the final determination on the grievance exceeds sixty (60) calendar days.

Section 9.0 Setting the Hearing and Notifying Grievant and the Individual who is the Subject of the Grievance

9.1 Within three (3) working days of receipt of the grievance by the General Manager, Board President, or supervisor who is to hear the grievance or the appeal of a determination, that General Manager, Board President, or supervisor if he is to hear the grievance, is to notify the grievant in writing of the date, time, and location set for the hearing or appeal.

9.2 Within the timeframe set out in subsection 9.1 above, the individual who is to hear the initial proceeding or the appeal of a determination as set out in subsection 9.1 above, is to provide a copy of the written grievance to the supervisor or other employee of whom the grievant complains.

Section 10.0 Confidentiality in Grievances

10.1 District employees and Board members are required to treat all grievances and their investigation as confidential, recognizing, however, that in the course of investigating and resolving grievances some dissemination of information to others may be appropriate and necessary. A grievant's privacy interests are to be respected by District employees. Any District employee who unnecessarily or unreasonably disseminates confidential information, whether oral or written or in some other form, that the employee becomes aware of when it is revealed or uncovered in a grievance proceeding, is subject to discipline up to, and including, termination. Directors should also refrain from violating the privacy and confidentiality of parties subject to a grievance.

10.2 When a grievant requests a hearing on his or her grievance before the Board, the hearing will be held in a closed session pursuant to the Open Meetings Act unless the grievant submits in writing a request that the hearing be held in an open meeting. If an open meeting is requested by the grievant as set out in this policy, applicable law including the law contained in and related to the Open Meetings Act will control the nature of the grievance hearing if such law is different from the procedures customarily utilized in this policy.

Section 11.0 Procedures for Conducting Hearing, Rehearing or Appeal

11.1 The grievant and the individual complained of may provide written evidence in the form of documents or affidavits and other tangible evidence such as tapes. Each party may call four (4) witnesses to testify in person at the initial hearing in support of their respective

positions. The four witnesses called by the grievant or the individual complained of who appear in person include the grievant or the individual complained of, himself or herself if he or she wishes to speak on his or her own behalf at the initial hearing. If any party wishes to question a witness testifying for the other party, the time utilized in asking those questions and providing answers to them are included in the total time allotted to the party who questions the other party's witness.

11.2 The initial hearing is to be as brief as reasonably and practicably possible but is not to exceed two (2) hours including statements, if any, made by an advocate or representative of a party to the grievance, and any testimony by called witnesses. The two (2) hours are to be divided equally between the grievant and the individual complained of in the grievance.

11.3 The individual who conducts the initial grievance hearing shall review the relevant evidence presented at the hearing, and other information gathered by investigation, if any, of matters raised in the grievance or relevant to the grievance, and renders a written report of findings, any opinions based on the findings, and, if deemed necessary, a recommendation for appropriate action to the General Manager or Board. If any information not provided in the hearing is considered, copies or summaries of such information is provided to each party with the written report.

11.4 Any party to a grievance may seek a rehearing or an appeal in writing within five (5) working days of receipt of the written report. The written request for rehearing or appeal is to set out in detail all issues that the person making the request for rehearing or appeal believes should be reconsidered. A copy of the request for rehearing or appeal is provided to the other party to the grievance by the party making the request for rehearing or appeal at the same time that it is provided to the individual who is responsible for convening the rehearing or appeal.

11.5 The individual who is responsible for convening the rehearing or appeal may grant or deny the rehearing or appeal within five (5) working days of receipt of the written request. If rehearing or appeal is denied, the grievant or the person complained of may appeal to the Board. The appeal is to be submitted in writing to the Board President and a copy of the appeal is to be provided to the other party within five (5) working days of receipt of the written determination of the grievance or the denial of the request for rehearing. Failure to appeal in a timely manner constitutes waiver and makes the determination final unless the Board determines that there was good cause for delay and that the rehearing or appeal should be convened.

11.6 If a rehearing is granted or an appeal is submitted, the Board President is to notify the parties in writing regarding the issues to be considered on rehearing or appeal, the amount of time that is to be allotted for the rehearing or appeal, and whether witnesses may testify in person at the rehearing or appeal. Rehearings and appeals are to be as brief as reasonably and practicably possible but are not to exceed one and a half (1-1/2) hours including statements by advocates or representatives, if any, for the parties.

11.7 The General Manager or Board will make the final determination of appropriate action on each grievance. If a grievant or person who is the subject of the grievance does not request a rehearing or submit an appeal, the determination made is final and the grievance is

closed. When the Board makes a determination on any grievance, that determination is final unless the Board grants a rehearing whereupon the Board's determination on rehearing is final and the grievance is closed.

Appendix C - Policy for a Drug-Free Workplace

Purpose

The objective of this policy is to develop a drug and alcohol-free workplace to help ensure a safe and productive workplace, and to provide education and treatment to District employees. In order to further this objective, the following rules regarding alcohol and controlled substances in the workplace have been established:

1. The Barton Springs/Edwards Aquifer Conservation District (District) shall implement a comprehensive drug and alcohol abuse education program. As part of that program, information will be provided on the availability of employee assistance program services.
2. Alcoholism and other drug addictions are recognized as diseases responsive to proper treatment and this will be recognized as such by the District as long as the employee cooperates. An Employee Assistance Program (EAP), described in more detail below, will be made available to assist employees.
3. The manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance on District property is prohibited.
4. Being under the influence of alcohol or controlled substances on District property is prohibited. Possession and use of prescription drugs on District property is permitted only if the employee has a valid prescription from a doctor. Excessive, abusive, or hazardous use of either prescription or over-the-counter drugs on District property is prohibited.
5. Employees who violate this policy are subject to appropriate disciplinary action including termination.
6. The policy applies to all employees of the District regardless of rank or position, and includes full-time, temporary, part-time, and contract personnel.

Definitions

1. District Premises: All District property including vehicles, lockers, and parking lots.
2. District Property: All District-owned or leased property used by employees such as buildings, offices, vehicles, lockers, desks, closets, etc.
3. Controlled Substance: Any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act (21 U.S.C. S812), as amended. Copies are maintained at the District office for employee review. In general, it is any drug or derivative thereof, of which the use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage is illegal or regulated under any federal, state, local law or regulation; any other drug including (but not limited to) a prescription drug, used for any other reason other than a legitimate medical reason; and inhalants used illegally.
4. Drug: A drug is any chemical substance that produces physical, mental, emotional, or behavioral changes in the user.
5. Drug Paraphernalia: Equipment, products, or materials that are used or intended for use in concealing an illegal drug, or for use in injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.

6. **Fitness for Duty:** To work in a manner suitable for the job. To determine "fitness," a medical evaluation may include drug and/or alcohol testing.
7. **Reasonable Cause:** Supported by evidence strong enough to establish that a policy violation has probably occurred.
8. **Under the Influence:** A state of having a blood alcohol concentration of 0.08 or more, where "alcohol concentration" has the meaning assigned to it in Texas Penal Code section 49.01 or the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage or a controlled substance.

General Policy Provisions

Any of the following actions constitute a violation of the Policy and may subject an employee to disciplinary action including termination:

1. Using, selling, purchasing, transferring, possessing, manufacturing, or storing a controlled substance or drug paraphernalia, or attempting or assisting another to do so while in the course of employment or engaged in a District sponsored activity, on District premises, in District owned, leased or rented vehicles, or on District business.
2. Working or reporting to work, conducting District business, being on District premises or in a District owned, leased or rented vehicle while under the influence of a controlled substance or alcohol, or while in an impaired condition.

Preventive Acts

1. Employees taking drugs prescribed by an attending physician must advise the General Manager in writing of any possible side effects such medication may have regarding their job performance and physical/mental capabilities. This written information must be kept confidential and communicated to the General Manager prior to the employee commencing work. All medical information will be kept confidential and the employer, without exception, will punish any breach of privacy and confidentiality in this regard. All prescription drugs must be kept in their original container.
2. Any employees involved in a work related accident where alcohol or drugs are believed to be a contributing factor will be referred to the General Manager and District Board of Directors in addition to other accident investigation activities.

Supervisor and Employee Training

Supervisors will receive training regarding the Drug and Alcohol Policy and the use of the Employee Assistance Program. All employees will receive copies of the Drug and Alcohol Policy and information about the Employee Assistance Program.

Employee Assistance Program

The District will provide employees and their families with confidential, professional assessment and referral for assistance in resolving or accessing treatment for addiction to, dependence on, or

problems with alcohol, drugs or other personal problems adversely affecting their job performance. Confidential assessment and referral services will be provided without cost to the employee or family member. The cost of treatment, counseling or rehabilitation resulting from EAP referral will be the responsibility of the employee, but may be partially covered under the District's Health Insurance.

When suspected or documented job impairment has been observed and identified, a supervisor will refer to the General Manager who may recommend participation in the EAP. Any action taken by the General Manager, however, will be based on job performance.

General Manager referrals to the EAP will include the employee's release of information consent forms to be returned to the General Manager by the EAP. Refusal to participate in or failure to complete the EAP-directed program will be documented. Should job performance not improve after a reasonable amount of time as determined by the drug counselor, the employee is subject to progressively corrective action, up to and including termination of employment.

Self-referral by employees or family members is strongly encouraged. The earlier a problem is addressed, the easier it is dealt with and the higher the success rate. Self-referral will not be the basis for corrective actions but does not preclude the District's use of corrective actions based on job performance. The General Manager may allow time for completion of self-referral to an EAP-directed program before initiating or determining additional corrective actions.

EAP-related activities, such as referral appointments, will be treated on the same basis as other personal business or health matters with regard to use of sick leave or compensatory time. Sick leave may be taken as needed, while compensatory time must be pre-approved.

Coordination with Law Enforcement Agencies

The sale, use, purchase, transfer or possession of a controlled substance or drug paraphernalia is a violation of the law. The District will report information concerning sale, possession, purchase, transfer, or use of any controlled substances on District premises to law enforcement officials and will turn over to the custody of the law enforcement officials any such substances found during a search of an individual or property. Searches of lockers, desks or closets will only be conducted when based on reasonable cause. The District will cooperate fully in the prosecution and/or conviction of any violation of the law.

Reservation of Rights

The District reserves the right to interpret, change, suspend, cancel or dispute, with or without notice, all or any part of the policy, procedures, or benefits herein.

Although adherence to this policy is considered a condition of continued employment, nothing in this policy alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason and the District retains the right to terminate any employment at any time.

Other Laws and Regulations

The provisions of this policy shall apply in addition to, and shall be subordinate to, any requirements imposed by applicable federal, state or local laws, regulations, or judicial decisions. Unenforceable provisions of this policy shall be deemed to be deleted.

Drug-Free Workplace Policy - Employee Acknowledgement

I acknowledge that I have received a copy of the Drug-Free Workplace Policy. I also acknowledge that the provisions of the Policy are part of the terms and conditions of my employment and that I agree to abide by them.

Signature of Employee

Date:

Print Name

Employee's Social Security #

Appendix D – Travel Policy

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Purpose

The District *Travel Policy* is designed to 1) establish clear and uniform policies for official District travel costs reimbursement; 2) clearly identify travel expenses eligible for reimbursement by the District; and, 3) serve as a guide for the accounting and proper reporting of travel-related expenses.

Definition of Travel

Criteria

To make the trip applicable to the District *Travel Policy*, the goal of the trip has to meet one or more of the following criteria:

1. It deals specifically with subjects that would directly benefit the District or which are part of the District's activities;
2. It has a direct bearing on the professional competence of the District personnel or Board ;
or,
3. It involves matters of general interest to groundwater planning, management, protection, enhancement, conservation, and other subjects pertinent to the District's business and activities.

Types of Events of District Travel

Events which are considered District business include seminars, training, meetings, field trips, conferences, educational events, exhibitions, expositions, and any other related events pertaining to the criteria stated above.

Categories of Duty Point

Duty point is defined as the location, other than the employee's place of employment, to which the employee travels to in order to conduct official District business. There are four categories of duty points that will be taken into consideration during reimbursement:

1. Local: within the District's jurisdiction and greater Austin area;
2. Out-of-Town: beyond the local area above and within the borders of the State of Texas;
3. Out-of-State: beyond the boundaries of the State of Texas; and,
4. International: beyond the boundaries of the United States of America.

Responsibilities

Employee

The traveling employee is responsible for being conservative and prudent to maximize economy and efficiency when incurring expenses while traveling on District business. The traveling employee is responsible for following the District *Travel Policy* while involved in any event related to District travel and reimbursement, including booking and/or verification of reservations and other travel arrangements, keeping receipts and applying for reimbursement; and consulting with their supervisor when in doubt of the policy.

General Manager

The General Manager is responsible for: 1) providing and periodically revising a written policy concerning the incurring and reimbursement of travel expenses on District business; 2) requesting approval from the Board for all staff out-of-state travel; 3) informing the Board on all other approved travel; 4) approving travel expenditures submitted for reimbursement; and, 5) authorizing payment of a per diem if appropriate.

The General Manager has the discretion to: 1) approve local and out-of-town travel within the state that has been previously approved in the operating budget; 2) purchase or authorize purchase of education, conservation, pollution and/or other related materials to be used by the District while attending meetings with state agencies, political subdivisions, conferences/seminars, or other similar events; 3) authorize travel cash advances; and, 4) purchase or authorize the purchase of food and/or non-alcoholic beverages within budget constraints.

Board of Directors

The Board is responsible for approving the written policy concerning the incurring and reimbursement of travel expenses on District business which is provided and periodically revised by the General Manager; and for approving the General Manager's request for all staff and Board travel out-of-state.

The Board President will approve travel expenditures submitted for reimbursement in the absence of the General Manager. The Board Vice President will approve travel expenditures submitted for reimbursement in the absence of the Board President.

District

The District's General Manager and accounting staff are responsible for approval and payment of all actual and necessary expenses for employees who must be away from their regular assigned place of employment. Reimbursement will be based on a properly completed and approved *Request for Reimbursement of Employee/Director Expenses* or *Travel Expense Report* form.

The District's General Manager and accounting staff will also implement and monitor the approved travel budget, and report on all travel expenditures under proper accounting codes and according to approval procedure.

Liabilities

Employee and/or Director

The traveling employee and/or Director is responsible for their own safety and incidental personal belongings while traveling on District business; any fines and/or tickets resulting of their own doing or personal account; personal purchases; any loss of funds provided by the District for travel expenses; and for the expenses of their accompanying spouse, child, or any companion who is not employed by the District nor on the Board.

District

The District will not be responsible for an employee's incidental personal belongings while traveling on District business; any fines and/or tickets resulting of their own doing or personal account; personal purchases; any loss of funds provided by the District for travel expenses; and for the expenses of their accompanying spouse, child, or any companion who is not employed by the District nor on the Board. The District will be responsible for reimbursements as described in this manual.

Forms

Request for Authorization to Travel, and Request for Authorization for Cash Advances

The *Request for Authorization to Travel*, and *Request for Authorization for Cash Advances* form should be completed, submitted, and approved by the General Manager at least **15 days** prior to travel date. After the trip, receipts and documentation of expenses shall be submitted to accounting as proof of expenditure to be processed and filed with the request for reimbursement.

Any cash not spent should be returned to accounting. In the event of cancellation, all cash advances shall be returned to the District.

Request for Reimbursement of Employee/Director Expenses

At the end of each month, every employee with reimbursable expenses shall complete the *Request for Reimbursement of Employee/Director Expenses* form and submit it with any receipts of the described expenses to accounting. Requests for expense reimbursement that are older than two months, absent extreme circumstances, will not be reimbursed.

Travel Expense Report

All eligible overnight-travel expenses should be recorded on a completed *Travel Expense Report* form, and submitted with supporting receipts to accounting as soon as possible after the trip is completed. Requests for expense reimbursement that are older than two months, absent extreme circumstances, will not be reimbursed.

More policy-level guidance and related information on how these and other related forms are to be used for reimbursement is in the appended section, titled “Additional Guidance on Expense Reporting” below.

All prepaid information on the *Request for Authorization to Travel*, and *Request for Authorization for Cash Advances* form should be completed before submission to avoid any unnecessary delay of processing and approval.

Expenses Eligible for Reimbursement

All expenses must be itemized on the *Request for Reimbursement of Employee/Director Expenses* or *Travel Expense Report* form.

Description: (Date expense incurred, amount to be reimbursed, receipt/documentation attached)

1. Mileage Reimbursement: (IRS maximum rate, *Request for Reimbursement of Employee/Director Expenses* or *Travel Expense Report* form required).

Whenever practical, an employee should make arrangements to use the District's vehicles, especially for local and same-day travel.

- Employee’s personal vehicle use on District-related matters at all times.

- Between the employee's residence and duty point. If travel occurs before or during working hours on a working day, reimbursement may not exceed mileage between place of employment and duty point.
 - Between the employee's residence and airport. If travel occurs during working hours, reimbursement may not exceed mileage between place of employment and the airport.
 - Expenses incurred by another person transporting an employee to the duty point at any time. *Reimbursement would include mileage and other reimbursable expenses as defined in this policy.*
 - Between the employee's residence and place of employment if travel occurs due to extraordinary circumstances during non-working hours or days.
 - Directors traveling on District business are entitled to receive mileage reimbursement.
2. Transportation: (actual expenses, approved documentation required)
- Incurred in District related business (e.g., taxi, bus, air, car rental, gasoline, etc.)
3. Parking and Tolls: (actual expenses, as specified below)
- Parking meters. (actual expenses, no documentation required)
 - Garages and lots where receipts are available. (actual expenses, approved documentation required)
4. Meals and Gratuities when not receiving per diem: (food and non-alcoholic beverages while traveling on District business). (actual expenses, approved documentation required)
5. Meals: (per diem, no documentation required)
- The General Manager may authorize a per diem while on District business or traveling based on IRS Federal Per Diem rates for the destination city, or the closest city to the travel destination.

More specific information on Meals reimbursement is included in the appended section, titled "Additional Policy and Guidance on Business Meal Reimbursement" below.

6. Gratuities other than meals: (actual expenses, approved documentation required)
7. Telephone: (actual expenses, no documentation required)
 - All District business calls.
8. Lodging: (actual expenses, approved documentation required)
 - On out-of town trips and other District business.
9. Training, seminars, conferences, conventions and similar events: (actual expenses, approved documentation required)
 - For registration, books and supplies.
10. Purchasing education, conservation and related materials: (actual expenses, approved documentation required)
 - Purchases in excess of \$100.00 require prior approval of the General Manager.
11. Copies, faxes, and other related services for District business: (actual expenses, approved documentation required)
12. Expenses of \$10.00 or less when it is not practical that a receipt be provided: (actual expenses, approved documentation required)
 - These expenses will be itemized on the *Request for Reimbursement of Employee/Director Expenses* or *Travel Expense Report* form, as applicable.
13. All employees using their personal vehicles for District business must have a valid Texas driver's license and carry the minimum type and level of insurance required by state law. The District will reimburse employees using their personal vehicles for District business, as defined by this Travel Policy, for up to \$250.00 for the payment of personal insurance deductibles incurred as a result of loss or damage to an employee's personal vehicle, provided the employee must not be judged at fault in a police report concerning the incident. This policy does not apply

to District employees who receive a vehicle allowance for the use of their personal vehicles from the District.

Expenses Not Eligible for Reimbursement

The District will not be responsible for certain expenses, including but not limited to the following:

1. Loss of personal funds or property, as defined by this Travel Policy, unless resulting from a District act;
2. Personal entertainment expenses including alcoholic beverages, movies, shows, videos, carnivals, places of attraction, and/or any costs not relevant to District business, unless part of a conference or related event;
3. Excess baggage charge for personal belongings;
4. Unauthorized expenses for car rental and registration fees;
5. Transportation costs for Directors on scheduled District meeting days (these are included in the Directors' compensation for meeting attendance); and,
6. Expenses of employee's or Director's accompanying spouse, child, or any companion who is not employed by the District or does not serve on the Board of Directors.

Advance Payment of Travel Expenses

All per diem and cash advances shall be approved by the General Manager. Under normal circumstances, the District will issue a check for advances on the payday prior to the travel unless there are special circumstances. Cash advances are based on actual per diem rates or other known expenses. Travel advances will be provided at the discretion of the General Manager, depending on the type and purpose of the trip involved.

Tax Exemptions

Where possible, all eligible tax exemptions should be utilized. Employees and/or Directors are responsible for obtaining tax exemption certificates to be used during their travel. Tax

exemption certificates are available from the District's accounting staff and should be carried when traveling.

Booking Policies

This section is for flights, lodging, or any other items requiring advance booking. Administrative staff is responsible for all routine bookings. Employees requesting special travel arrangements may do so on their own time and are responsible for any additional expenses beyond the routine bookings arranged by the administrative staff. All bookings should be made as early or as timely as possible and should involve the lowest or most reasonable prices on the market, taking into account the needs of the traveler and the purpose of the trip. Booking expenses should be refundable or exchangeable whenever practical. Bookings should consider savings offered by traveling off-peak hours, weekends, and special offers if available, and which save time or money for the District.

Expenses for District Business-Related Guests

Expenses for District guests are subject to approval by the General Manager with consideration of specific circumstances. The *Travel Policy* restrictions and benefits applied to District guests are the same as to District employees or Directors.

Reimbursement and Accounting for Travel Expenses

All original receipts as described in the section "Expenses Eligible for Reimbursement" and/or proper documentation for incurred travel expenses must be submitted within 30 days of travel to accounting. This will clear the employee's expense account with the District and allow accounting to bill job-related charges to specific accounts within a reasonable period after the expenses were incurred.

If a receipt is lost, the employee or Director will be required to itemize the expense on their *Request for Reimbursement of Employee/Director Expenses* or *Travel Expense Report* form. The General Manager must approve this expenditure.

Accounting is responsible for ensuring that all entries of travel expenses for reimbursement are appropriate, complete and up-to-date; and for providing complete information on past travel

expenses whenever necessary. All travel expenditures submitted for reimbursement must be approved by the General Manager.

Prohibitions

All restrictions and benefits outlined in the District *Travel Policy* apply to the Board and persons employed by the District and their guests. Anyone who files a false *Request for Reimbursement of Employee/Director Expenses* or *Travel Expense Report* form may be subject to disciplinary and/or legal action.

Additional Policy and Guidance on Business Meals Reimbursement

This policy clarifies whether and how the District will reimburse business meals paid by employees in the course of a work day; it pertains only to expenses for meals that are not eligible for, or reimbursed by, an overnight Travel Expense Report.

It is the policy of the District that the District will not reimburse meals for which only the employee or a group of employees-only is present, even if District business is discussed during the meal, unless on overnight travel status. Distance from the office or home during a day trip is not a criterion for reimbursement eligibility. A meal with either a District Director or a relevant external party in attendance and in which District business is discussed is eligible for limited reimbursement of the *employee's* meal expenses. Actual costs of the employee's meal will be reimbursed up to the following daily limits: Breakfast - \$8.00; Lunch - \$12.00; and Dinner - \$25.00. Expense associated with any alcoholic beverage will not be reimbursed, even if the total bill is below these limits. Reimbursement requires submittal of a Team Leader- or GM-approved Employee Expense Reimbursement Form, with an attached receipt for the meal(s) being claimed unless the cost of a meal is less than \$10.00. Disbursements from petty cash for reimbursing meal expenses shall not be made.

It is policy of the District that employees will not entertain either themselves and/or external parties and will purchase meals for such parties only from time to time and in the course of some District function or activity in which the external party is an integral, necessary participant. Reimbursement of business-related meals under these circumstances should conform to the daily per-person limits and procedure established above and must be submitted by the Team Leader whose program area is receiving the benefit of the external party's participation.

Additional Guidance on Expense Reporting

This guidance provides important information on how to go about properly documenting and getting reimbursed for business expenses.

There are two paper forms that are available to employees for reporting and for incurred-expense reimbursement purposes. The selection between the forms and the use of these forms are not discretionary with the employee. Reimbursement of expenses of a particular type requires one of these forms, not the other. There are two additional forms related to purchasing. This section explains how all of these forms are to be used. All of the forms mentioned herein are kept current and available as templates on the server, and can be downloaded to and filled out on the employee's computer.

The **Employee Expense Reimbursement (EER) Form** is for day-to-day business expenses that the employee pays for out-of-pocket (cash or personal credit/debit card) in the normal course of work activities, including "local mileage" other than that involving overnight travel. These expenses are subject to applicable limitations (e.g., mileage rates, business meal ceilings, etc.). Each and all such expenses on this form are also subject to the employee's own individual "signature authority"; every employee can make a purchase and be reimbursed through this EER Form for an individual purchase up to \$100; Team Leaders have purchasing authority up to \$500. (These limits are applied on a "per purchasing event" basis, representing in effect a 'cart total' for a single sale from a particular supplier.) If a purchase beyond an employee's signature authority is needed, then the employee must fill out a Purchase Order and have it authorized by someone with the appropriate signature authority (a Team Leader, and if larger than \$500, the General Manager) before it will be reimbursed, so the employee is "at-risk" for such purchases if after-the-fact authority is sought. (If at all possible, a P.O. should be completed and properly approved BEFORE making such a purchase, to eliminate that risk; if not possible, at least get prior verbal authorization by the appropriate person.) More information on Purchase Orders is provided below. EERs with stand-alone (i.e., no underlying authorized P.O.) expenses of any size that are older than 60 days will not be reimbursed, so EERs should be turned in at least monthly. Any expense greater than \$20.00 that is claimed for reimbursement on the EER requires a receipt; if a required receipt is not available, the employee must submit a note to that effect, describing the purchase, vendor, date, and reason for not having that receipt.

The **Travel Expense Report (TER) Form** is used solely to report expenses associated with overnight travel, and for reimbursing out-of-pocket, non-prepaid expenses that are incurred associated with overnight travel (only). The TER Form is used in two ways: 1) If the employee elects to be reimbursed for meals and incidental expenses on a per-diem basis rather than actual cost basis, the TER may be used as a **per-diem authorization** form (and *must* be used if per-diem is not noted on the approved Travel Authorization Request Form): fill out the header info and the per-diem column **ONLY**, including the total per-diem requested, and get it authorized by the appropriate signature authority, before leaving on a trip. The employee must elect and be paid for per-diem before the trip is taken, with the per-diem paid by District check to the employee, so this form for your per-diem funds should be submitted several work days before

the beginning of the trip. Keep a copy of this TER Form; 2) After the employee returns from a trip, another TER is submitted, with all header and all other expenses, including prepaid expenses like per-diem and District advance payments, e.g., District credit card charges, and approved by the appropriate signature authority. If the employee elected to use per-diem, include that cost (to the District) on the trip expense total, and also as a pre-paid expense item, attaching the copy of the approved TER that was used to receive the per-diem before the trip, along with other trip receipts, as documentation. If an employee's personal vehicle is used, either as the primary means of travel on the overnight trip or to go to and from the airport on a business trip, keep track of those miles and put the cost of those miles, at the prevailing IRS mileage rates, on the TER as "Local Mileage." The employee must also fill in the account(s) the travel expenses should be charged to at the bottom of the TER, which must add up to the total expense of the trip. The trip total should include all expenses and receipts and documentation related to the trip, including conference registration fees that were separately prepaid by the District.

According to federal regulations defining what is a deductible business expense, an employee may request and be paid only for $\frac{3}{4}$ of one day's per diem on each of the trip's travel days (i.e., outbound and inbound days), regardless of how and what time of day was spent traveling. Also, if the employee will incur a relatively large expense for business travel several months in advance on some personal account, then the employee has the option of using the District credit card rather than a personal credit card for such expenses; if this option is selected, then such District charge-card purchases must also be shown as a District Prepaid Expense on the TER that is submitted after the trip, so accounting can associate that with the trip expense (also, see note below on reporting). But recognize that business charges to personal credit cards generally are not eligible for the state sales tax exemption.

Regardless of when, what type, size, or purpose of business expense is incurred, if it is charged to the District credit card, it must be reported with receipts attached immediately upon the employee's next return to the office, even if that expense is for a trip that hasn't happened yet, or for a purchase that hasn't been received yet. In this circumstance, the employee must use a third form for reporting these charges, the **Credit Card Purchase Summary Form**, even if it is part of something that is to be ultimately reported on a TER. If it is beyond the employee's signature authority, then a P.O. must be completed and appropriately authorized for that purchase, again ideally in advance of such purchase using the District credit but otherwise immediately thereafter.

A **Purchase Order** with appropriate approvals is required before the District directly makes any purchase of any size by any means (except for incidental purchases made with Petty Cash). Even if an employee uses personal funds to make a purchase and is reimbursed through the EER form, a P. O. must be submitted. If the purchasing event (i.e., a line item on an EER Form)

exceeds the employee's signature authority, a properly completed and authorized P.O., or at least a verbal authorization for the purchase by the appropriate approval authority is required *before* the purchase is made and the goods and services received. This is a basic financial control mechanism that the State Auditor's Office scrutinizes, so it is vitally important that every employee do the paperwork first, then purchase. At the discretion of the GM, any staff member that does not comply with this requirement will lose their authority to make any business-related purchases for three months, which means they will be required to request and make purchases only through the appropriate Team Leader or GM.

Appendix E

POLICY ON SUSPECTED MISCONDUCT AND DISHONESTY (Fraud Policy)

Introduction

Like all organizations, ours is faced with risks from wrongdoing, misconduct, dishonesty and fraud. As with all business exposures, we must be prepared to manage these risks and their potential impact in a professional manner.

The impact of misconduct and dishonesty may include:

- the actual financial loss incurred
- damage to the reputation of our organization and our employees
- negative publicity
- the cost of investigation
- loss of employees
- damaged relationships with our permittees and constituents
- litigation
- damaged employee morale

Our goal is to establish and maintain a business environment of fairness, ethics and honesty for our employees, our permittees and anyone else with whom we have a relationship. To maintain such an environment requires the active assistance of every employee and manager every day.

The Barton Springs/Edwards Aquifer Conservation District (the District) is committed to the deterrence, detection and correction of misconduct and dishonesty. The discovery, reporting and documentation of such acts provides a sound foundation for the protection of innocent parties, the taking of disciplinary action against offenders up to and including dismissal where appropriate, the referral to law enforcement agencies when warranted by the facts, and the recovery of assets.

Purpose

The purpose of this document is to communicate the District's policy regarding the deterrence and investigation of suspected misconduct and dishonesty by employees and others, and to provide specific instruction regarding appropriate action in case of suspected violations.

Definition of Misconduct and Dishonesty

For purposes of this policy, misconduct and dishonesty include but are not limited to:

- acts which violate the District's Ethics Policy

- theft or other misappropriation of assets, including assets of the company, our customers, suppliers or others with whom we have a business relationship
- misstatements and other irregularities in company records, including the intentional misstatement of the results of operations
- wrongdoing
- forgery or other alteration of documents
- fraud and other unlawful acts
- any similar acts

The District specifically prohibits these and any other illegal activities in the actions of its employees, manager, and board of directors and others responsible for carrying out the District's activities.

Policy and Responsibilities

Reporting

It is the responsibility of every employee, manager and board director to immediately report suspected misconduct or dishonesty to the general manager. The general manager, when made aware of such potential acts, must immediately report such acts to the Board President and the District's legal representative. Any reprisal against any employee or other reporting individual because that individual, in good faith, reported a violation is strictly forbidden.

Due to the important yet sensitive nature of the suspected violations, effective professional follow up is critical. Managers, while appropriately concerned about "getting to the bottom" of such issues, should not in any circumstances perform any investigative or other follow up steps on their own. **Concerned but uninformed managers represent one of the greatest threats to proper incident handling.** All relevant matters, including suspect but unproved matters, should be referred immediately to those with follow up responsibility.

Additional Responsibilities of Managers

All employees have a responsibility to report suspected violations. However, employees with supervisory and review responsibilities at any level have additional deterrence and detection duties. Specifically, personnel with supervisory or review authority have three additional responsibilities.

First, you must become aware of what can go wrong in your area of authority.

Second, you must put into place and maintain effective monitoring, review and control procedures that will prevent acts of wrongdoing.

Third, you must put into place and maintain effective monitoring, review and control procedures that will detect acts of wrongdoing promptly should prevention efforts fail.

Authority to carry out these three additional responsibilities is often delegated to subordinates. However, accountability for their effectiveness cannot be delegated and will remain with the managers.

Assistance in effectively carrying out these responsibilities is available upon request through the general manager.

Responsibility and Authority for Follow Up and Investigation

The general manager and the District's legal representative have the primary responsibility for all investigations involving the District.

Properly designated members of the investigative team will have:

- free and unrestricted access to all company records and premises
- the authority to examine, copy and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities (whether in electronic or other form) without the prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of investigative or related follow up procedures.

All investigations of alleged wrongdoing will be conducted in accordance with applicable laws.

Reported Incident Follow Up Procedure

Care must be taken in the follow up of suspected misconduct and dishonesty to avoid acting on incorrect or unsupported accusations, to avoid alerting suspected individuals that follow up and investigation is underway, and to avoid making statements which could adversely affect the District, an employee, or other parties.

Accordingly, the general procedures for follow up and investigation of reported incidents are as follows:

1. Employees and others must immediately report all factual details as indicated above under Policy.
2. The general manager has the responsibility for follow up and, if appropriate, investigation of all reported incidents.
3. All records related to the reported incident will be retained wherever they reside.
4. Do not communicate with suspected individuals about the matter under investigation.
5. The general manager may also obtain the advice of the District's legal representative at any time throughout the course of an investigation steps, proposed disciplinary action or any anticipated litigation.
6. Neither the existence nor the results of investigations or other follow up activity will be disclosed or discussed with anyone other than those persons who have a legitimate need to know in order to perform their duties and responsibilities effectively.
7. All inquiries from an attorney or any other contact from outside of the company, including those from law enforcement agencies or from the employee under investigation, should be referred to Legal.

Investigative or other follow up activity will be carried out without regard to the suspected individual's position, level or relationship with the company.

Appendix F

Safe Harbor Policy

"Improper deductions from the pay of exempt employees is prohibited. If an exempt employee believes that an improper deduction from his/her salary has been made, a complaint should be made to the General Manager. The General Manager will investigate the complaint. Upon a finding by the General Manager that an improper deduction was made, the exempt employee will be reimbursed in the amount of the improper deduction, and the Barton Springs/Edwards Aquifer Conservation District will make a good faith effort not to make future improper deductions."

Questions or Clarifications Related to This Policy

All questions or other clarifications of this policy and its related responsibilities should be addressed to the District’s General Manager, who shall be responsible for the administration, revision, interpretation, and application of this policy.

Approval

_____	_____
General Manager	Date

Acknowledgment

My signature signifies that I have read this policy and that I understand my responsibilities related to the prevention, detection and reporting of suspected misconduct and dishonesty.

I further acknowledge that I am not aware of any activity that would require disclosure under this or other existing company policy or procedure statements.

Signature: _____

Print Name: _____

Date Signed: _____

Appendix G

INCENTIVE COMPENSATION PLAN FOR DISTRICT STAFF

In addition to cost-of-living and other approved salary increases that occur at the start of the fiscal year, the compensation of all eligible staff of the District will be augmented by a non-recurring incentive component, provided certain conditions are met during the course of the year. This incentive compensation component will be paid in the last month of the fiscal year to those staff members who achieve or satisfy individual objectives that are established between the individual staff member and the General Manager at or near the start of each fiscal year. Changes in the Incentive Compensation Plan or its amounts for a fiscal year may be made only before the start of the fiscal year; that is, it is not a discretionary program or expense. At the same time, no employee will be eligible to receive lump-sum bonuses outside the boundaries of the prevailing Incentive Compensation Plan.

Eligibility of Participants

All regular employees (i.e., not temporary employees) who a) are in good standing, i.e., not on probation, at the end of the fiscal year, and b) who have been or will have been employees of the District for at least one year at the end of the fiscal year are eligible for participation in the Incentive Compensation Program for that fiscal year. Both exempt and nonexempt employees are eligible to participate, but the premium portion of overtime pay will not be included in the calculation of individual potential incentive amount (described below).

Incentive Amount

The incentive compensation pool will be established as part of the approved budget at the start of each fiscal year. Government labor laws require the District to specify in advance the amount of additional, incentive compensation that each staff member would be paid if he or she meets the prescribed conditions. The amount to be paid to an eligible employee from the approved pool will be indexed, first, to the percentage of that employee's actual salary budgeted in that fiscal year to the total salaries budgeted for all eligible employees, and then, further indexed to the percentage of the pre-defined individual objectives, by whole numbers, that the employee achieves. Accordingly, for any one individual employee, each goal will have an identical incentive compensation value.

Example: If the approved incentive compensation pool in FY 200X is \$20,000, and if Employee A has a salary that is 10% of the total approved payroll of eligible employees in FY 200X, then the *potential* incentive compensation Employee A could receive is 10% of \$20,000, or \$2,000. If Employee A had 5 individual goal statements defined and achieves 4 of them in FY 200X, then Employee A would be paid 4/5 of \$2,000, or \$1,600, in September, 200X.

Individual Employee Objectives

During the last month of the preceding fiscal year and the first month of the plan fiscal year, each employee will establish with the General Manager a set of designated individual objectives to be accomplished during the upcoming fiscal year, after the budget for that year has been approved. These statements will reflect accomplishment of: programmatic goals that relate to important roles in the budgeted work of the teams that the employee substantively supports; personal and/or professional development goals; goals related to meeting specific staff guidelines or other organizational cultural needs; and other special projects or initiatives for the employee that are negotiated with the General Manager. Inputs from Team Leaders and colleagues may be sought by the GM in assessing if a particular objective for an employee has been achieved, but the GM will make the final determination of how many individual objectives have been achieved for each individual.

The objectives will be achievable within the budgeted funds (i.e., they do not represent unfunded mandates), and the General Manager will be a partner in helping the employee achieve those goals. Each of the objectives for any one employee will be valued the same, so each also will be established to be, to the extent practicable, similar in importance to the District.

The General Manager will also attempt to normalize the degree of difficulty in earning incentive compensation *dollars* proposed among the staff members. For example, the individual objectives for the more senior, higher-paid members of the staff will generally represent more “stretch goals” and/or ones that are of more strategic or tactical importance.

General Manager Participation

Provided the eligibility requirements above are met, the General Manager will participate in the Incentive Compensation Plan in a similar, but slightly different fashion. The GM’s individual objectives will be set by the Board near the start of each fiscal year, and may include or comprise the District goals also established by the Board. The potential incentive compensation amount will be the sum of 1) the amount defined in an identical fashion as to other employees, i.e., as a percentage of total eligible payroll that is applied to the budgeted pool, plus 2) an additional increment, if any, that the Board of Directors establishes at the start of the fiscal year. The proportion of the potential incentive compensation to be paid to the GM will be determined by the Board, after considering equally 1) what percentage of the potential incentive compensation is paid to other employees (reflecting how well the GM helped the rest of the staff achieve their objectives), and 2) what proportion of the agreed District and/or individual objectives the GM accomplished during the course of the year (reflecting how well the GM met the specific expectations of the Board).

Appendix H

Timekeeping and Leave-Balances Management

The District has established a labor account type called “Regular Work Hours,” which comprises the time actually spent on beneficial work done for the District at regular duty station(s) not including one’s home. This work could be the 8 or 10 hours on a normal work day, or additional hours worked in the office on those days, or hours worked at venues other than normal duty stations, or hours worked at such locations but not on a regular work day. Regular Work Hours may be recorded regardless of where the work is conducted (in the District office, in the field, at conferences, in off-site meetings, etc.), as long as the time is not Working at Home Hours (as defined below). The District expects an honest 8 or 10 hours during a regular work day (depending on the agreed work schedule) of beneficial work from each full-time employee on each regular work day, with any shortfall to be made up from some appropriate, available Time-off account and/or by authorized additional work during preceding days of the week.

The District has also established another labor account type called “Working at Home Hours,” which comprises actual time spent on beneficial work done for the District at one’s home at any time. Only exempt employees may charge to the Working at Home Hours accounts, and any such hours that contribute to a daily total in excess of the normal work-day’s 8 or 10 hours may only be worked with the concurrence of the General Manager.

Each Team will have its own Regular Work Hours and Working at Home Hours accounts.

- On any given day, exempt staff must record a *minimum* of 8 or 10 hours, comprising Regular Hours, Working at Home Hours, and/or some Time-Off Account Hours. (See below for adjustments to be made to the Time-off hours for exempts under certain circumstances.)
- Non-exempts should record the hours actually worked each day and/or the Time-off Account Hours used to make up the actual total so far that week to the expected number of hours to be worked so far that week. (That is, a non-exempt should only record a “partial day” if the total number of hours recorded on earlier days that week makes up for the partial day.) However, at the end of each week and always before submitting their timesheets, non-exempts shall review the hours *actually* worked and recorded, excluding any Time Off Hours, and if the total of those hours is equal to or greater than the number of expected hours for that week, they may, but are not required, to reduce any Time Off Hours used in that week such that the total number of hours is at least equal to the expected number of work hours for a regular work week (generally 40 hours.) Any remaining time recorded in excess of those expected hours by non-exempt staff will produce additional pay and therefore must have been previously approved by the General Manager or the cognizant Team Leader.

For exempt staff, all Regular Work Hours at any duty station and those properly notated Working at Home Hours that make up the expected 8- or 10-hour work day, if any, along with Holiday Hours (if applicable in the timekeeping period), will be counted in determining eligibility to earn compensatory time. Any Working at Home Hours in *excess* of the expected 8-

or 10-hour work day are not counted in determining eligibility. Also, any Compensatory Time Used Hours are not counted in determining eligibility for additional compensatory time. (See also the special case of Telecommute Hours as described below.)

Whenever: a) Regular Work Hours worked and charged on a normal work day exceed the standard 8 or 10 hours, or b) Regular Work Hours are worked and charged on normal non-work days (weekends, one's usual weekdays off), or c) for exempts, any Working at Home Hours are worked and charged, such employees will be required to append a Journyx Timesheet Note to the relevant time account(s) for that day that explains concisely both where the work was performed and what beneficial work was being accomplished by virtue of those hours. (See below for an additional situation requiring Journyx notation.) Failure to append an adequate explanatory Note to such accounts will result in forfeiture of those excess hours in determining compensatory time eligibility and the calculation of Compensatory Time Earned for exempt staff, and possible sanctions by the General Manager for non-exempt staff.

The Compensatory Time Earned eligibility threshold is 85 hours per two-week timekeeping period. Once eligibility in a particular timekeeping period is established, then the sum of all Regular Work Hours plus any applicable Holiday Hours that exceeds 80 hours are included in the Compensatory Time Earned calculation. [Note that no Working at Home Hours and no Compensatory Time Used Hours are included in this calculation (although Compensatory Time Used is subject now to the beneficial *ex post facto* adjustment.)]

The District calculates adjustments to vacation, sick leave, and compensatory time balances at the end of each timekeeping period.

- For non-exempts: each non-exempt employee will, if and as desired and feasible, essentially self-adjust previously recorded Time-Off Account Hours at the end of each work week, while ensuring that at least the expected full number of hours in a work week is reported at the end of each week. Non-exempts must show the result of that adjustment in the hours recorded on their timesheets before submittal, as described in item 5.b. above. Any non-exempt making such an adjustment must append a Journyx Note to the relevant day(s) and account(s) that explains what and how such a change was made.
- For exempts: Hours charged on a timesheet that exceed a total of 80 hours of Regular Hours plus Holiday Hours (only) but that also have Time-Off Hours recorded on that timesheet will be offset by Accounting after the timesheets are submitted by restoring any "excess" Time-Off used in that time period until the normal bi-weekly 80 hours is reached. Similarly, if the Regular Hours plus Holiday Hours are less than 80 hours biweekly but Time-Off Hours are also recorded such that the total number of hours recorded exceeds 80 hours, then offsets will be made to the Time Off charges used in that time period to make up the difference just so the normal 80 hours is reached. These *ex post facto* adjustments will be made in a way to *preserve* hours in the following order, if and as necessary and possible: all or part of any Vacation taken; all or part of Compensatory Time taken, all or part of Sick Leave taken, and finally Other Time-Off taken.

Working at Home Hours by an exempt employee should not be used routinely and should only be used from time to time when a specific project or responsibility demands it. Any such time in excess of the number of hours in the normal work day may be worked only with the concurrence of the General Manager, and all Working at Home Hours must be noted in Journyx Timesheet. Please recognize that some jobs at the District are more amenable than others to include work from home. In any event, it is more a privilege than a right, subject to revocation if abused.

If circumstances exist or arise that essentially require the District choosing between having an employee either a) routinely working at home on something of a telecommuting basis (either normally or temporarily), or b) regularly working at normal duty stations but for fewer hours than normal and needed, the General Manager may authorize an employee to telecommute, if the employee is eligible under the telecommuting policy criteria and the employee signs a telecommuting agreement, for all or part of specified work-week day(s). Those employees will use a new Telecommuting Hours account that is established in Journyx Timesheet as a labor and timekeeping task account for each Team, to evidence working under such special considerations in which beneficial work for the District is being accomplished on a non-Regular Work Hours basis. Telecommuting Hours do not require notation in Journyx, as the agreement specifies the type of work being performed. For exempt employees with a telecommuting agreement, Telecommuting Hours will also count towards establishing eligibility of other hours for Compensatory Time, but they will not be included in Compensatory Time Earned calculations, as the telecommuting arrangement is not considered to be Regular Work Hours that earn compensatory time and is something of its own reward. For non-exempt employees, Telecommuting Hours will authorize being paid for working those hours at home, which is otherwise prohibited.