



EMPLOYEE HANDBOOK

**TEXAS STATE SOIL AND WATER CONSERVATION BOARD
1497 COUNTRY VIEW LANE
TEMPLE, TEXAS 76504**

254.773.2250

TABLE OF CONTENTS

A	<u>GENERAL STATEMENT</u>	1
B	<u>EMPLOYMENT LAWS</u>	2
	1 Equal Employment Opportunity.....	2
	2 Sexual Harassment	3
	3 Americans with Disability Act	5
	4 Age Discrimination in Employment Act of 1967 (ADEA).....	6
	5 Equal Pay Act of 1963 (EPA)	6
	6 Federal Pregnancy Discrimination Act of 1978.....	6
	7 Military Leave Entitlements and Eligibility	7
	8 Military Family Leave Entitlements.....	8
	9 Military Pay Differentials.....	8
	10 Determining Eligibility	9
	11 Rehires Recently Leaving Active Military Duty.....	9
	12 Employment Preference for Former Foster Children	9
C	<u>WORKPLACE VIOLENCE</u>	10
D	<u>REASONABLE WORKPLACE ACCOMMODATION</u>	10
	1 HIV/AIDS	12
	2 Multiple Employment with the State	13
	3 Nepotism	14
	4 Whistle Blowing	15
	5 Public Employee Labor Unions	15
	6 Professional Services and Consulting Contracts	15
E	<u>EMPLOYMENT AT-WILL</u>	15
F	<u>GENERAL EMPLOYMENT INFORMATION</u>	16
	1 General Conduct.....	16
	2 Dress Code	17
	3 Absence from Work.....	17
	4 Working Hours.....	17
	a Optional Flexible Work Schedule.....	18
	b Calendar Sharing	18
	5 Breaks	18
	6 Wellness/Fitness Program	18
	a Purpose	18
	b Authorization.....	19
	c Program Eligibility Requirements.....	19
	d Program Scheduling.....	19
	e Program Content.....	20
	f Use of Facilities	20
	g Program Costs	20
	h Wellness Coordinator.....	20
	7 Workplace Lactation Support Policy	20
	8 Smoking Policy.....	21
	9 Parking	21
	10 Property.....	21
	11 Drug-Free Workplace.....	22
	12 Inclement Weather	22

13	Possession of Firearms on State Property Policy	22
14	Personnel Files.....	24
15	Public Information.....	25
16	Updating Personal Data.....	25
17	Telephone Courtesy and Calls	26
18	FAX Use	26
19	State Issued Cell Phone.....	26
20	State Issued Credit Card.....	26
21	State Postage.....	27
22	Resignation	27
23	Terminations.....	27
24	Exit Interviews	27
25	Information Resources Security.....	28
26	Part-Time Employees.....	28
G	<u>ETHICS</u>	28
1	Political Activity.....	29
2	Dual Employment and Conflict of Interest	29
H	<u>PAY INFORMATION</u>	29
1	Compensation Policy	29
2	Direct Deposit.....	30
3	Deductions	30
4	Federal Income Tax Withholding	30
5	Employee Retirement	30
6	Charitable Contribution Deductions	31
7	Credit Unions Deductions	31
8	Deductions for Membership Fees for Eligible State Employee Organizations	32
9	Other Deductions	32
10	Benefit Replacement Pay* and Leveling	32
11	Longevity Pay	33
12	Longevity Pay for Return-to-Work Retirees	33
13	Longevity Pay When Employee's Status Changes	34
I	<u>YOUR CAREER WITH TSSWCB</u>	34
1	New Employee Orientation.....	34
2	Probationary Period.....	34
3	Probationary Status.....	34
4	Career Ladder	34
5	Disciplinary Actions	35
6	Performance Appraisal Policy.....	36
7	Professional Fees and Dues.....	38
8	Training and Development.....	38
9	Job Classification	39
J	<u>HIRING AND SELECTION PROCESS</u>	39
1	Hiring Policy.....	39
2	Job Announcements	39
3	Exempt Position	40
4	Classified Positions	40
5	Employment Preference for Veterans	41
6	Military Occupational Specialty Codes on Employment Openings	41

7	Screen Applicants	41
8	Interview Questions.....	41
9	Interviews	42
10	Reference Checks.....	42
11	Verification of Employment Eligibility	42
12	Employment Processing	43
13	Merit Increases.....	43
14	Promotions	43
15	Demotion	44
16	Lateral Transfer	44
17	Equity Adjustment	44
18	Temporary Reassignments.....	45
19	Salary Group Reallocation	45
20	Reclassification	46
21	Reduction-In-Force	46
22	Travel and Per Diem	46
23	Use of State Vehicles for Travel	47
24	Fair Labor and Standards Act.....	49
25	Compensatory Time and Overtime.....	50
K	<u>FINANCIAL BENEFITS</u>	51
1	Employee Insurance Benefits	51
2	Health Maintenance Organization (HMO's).....	52
3	Enrollment	52
4	Changes	52
5	Changes in Your Family.....	53
6	While on Leave Without Pay.....	53
7	Assistance with Insurance Coverages.....	53
8	Worker's Compensation Claim Procedure	53
9	Retirement Benefits.....	54
10	Death Benefits.....	54
11	Deferred Compensation and Texa\$aver	55
12	401(k) Plan Automatic Enrollment	55
L	<u>LEAVE BENEFITS</u>	56
1	Request for Approval of Leave or Overtime	56
2	Annual Leave	57
3	Vacation Leave Accruals for Return-to-Work Retirees	58
4	Holidays.....	58
5	Sick Leave.....	59
6	Extended Sick Leave	60
7	Sick Leave Pool.....	61
8	Donations of Sick Leave to Another Employee	61
9	Using Donated Sick Leave.....	62
10	Sick Leave for Education Activities	62
11	Administrative Leave for Outstanding Performance	62
12	Other Leave.....	62
a	Emergency Leave	62
b	Voting	63
c	Military Leave.....	63

d	The Uniformed Services Employment Reemployment Rights Act (USERRA)...	63
e	Leave for Organ or Bone Marrow Donation.....	64
f	Donation of Blood	64
g	Voluntary Firefighters/Emergency Medical Services Training Leave	64
h	Certified Red Cross Activities Leave	64
i	Leave for Employees with a Disability	65
j	Jury Duty and Court Appearances.....	65
k	Leave of Absence Without Pay.....	65
l	Parental Leave.....	66
m	Family Medical Leave Act (FMLA).....	67
n	FMLA Eligibility	70
o	FMLA Definitions	70
p	Exceptions	71
q	Forms.....	72
r	Transfer of Leave Time	72
M	<u>SPECIAL PROVISIONS RELATING TO FIELD PERSONNEL</u>	72
1	Policy on Compensatory Leave for Field Representatives	72
2	Reports To Be Filed By Field Personnel	72
a	Monthly Schedules.....	73
b	Weekly Itineraries.....	73
c	Daily Reports	73
d	Annual Leave Requests	73
e	Sick Leave	74
f	Travel Expense	74
N	<u>SPECIAL PROVISIONS FOR OFFICE PERSONNEL</u>	74
1	Publications	74
2	Cost-Share Funds	74
3	Building and Grounds.....	75
4	Building Security.....	75
5	Leaving the Building	75
6	Use of Break Room.....	75
O	<u>EMERGENCY PROCEDURES</u>	75
1	Emergency Evacuation	75
2	Tort Claims Act--State Employees Involved in Accidents	76
P	<u>EMPLOYEE SAFETY</u>	76
Q	<u>APPENDICES</u>	78
A	Part Time Policy	79
B	Fleet Safety Policy.....	82
C	Safety & Health Policy and Manual	84
D	Employee Grievance Policy.....	105
E	Complaint Investigation Resolution	106
F	ADA Grievance Memo	109
G	Return to Work Program.....	111
H	Worker's Compensation Return to Work Policy	113
I	Employee Training Rules.....	117
J	Fraud Policy	119
K	Security Policies.....	123

A. GENERAL STATEMENT

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

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

B. EMPLOYMENT LAWS

1. Equal Employment Opportunity

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

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

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

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

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

Employees who have a sexual harassment complaint should use the procedures in the Sexual Harassment Policy. Employees who have a discrimination complaint should follow the following procedure:

- An employee may report a complaint regarding discrimination without fear of retaliation. An employee who believes that he or she has been discriminated against should immediately report the incident(s) to one of the following individuals:
 - Immediate Supervisor
 - Supervisor with whom they feel comfortable
 - Human Resources Coordinator

- The Executive Director or designee will be notified immediately of the complaint and will initiate an investigation of the complaint. The investigation should be completed within 30 days.
- Based on written findings, the Executive Director will take immediate and appropriate corrective action if such prohibited conduct occurred.
- The Executive Director will monitor the circumstances surrounding the complaint to ensure that the situation is remedied, without the employee having to file another complaint.
- The Human Resource Coordinator will maintain a log of all formal discrimination complaints and the results of such complaints will be maintained.

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

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

A review will be made annually of the Affirmative Action Plan and Equal Opportunity program.

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

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

2. Sexual Harassment

It is the policy of the Texas State Soil & Water Conservation Board that there shall be no harassment of any individual on account of an individual's gender. Sexual harassment is a

form of misconduct that is demeaning to another person and undermines the integrity of the employment relationship. The TSSWCB expressly prohibits and will not tolerate sexual harassment of any employee by another employee, supervisor, or other person with whom an employee must have contact with as a part of his/her duties. It is the policy of the TSSWCB that:

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

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

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

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

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

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

Complaint Procedures:

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

- Immediate Supervisor
 - Supervisor with whom they feel comfortable
 - Human Resources Coordinator
- The Executive Director or his or her designee will be notified immediately of the complaint and will initiate an investigation of the complaint. The investigation should be completed within 30 days.
 - Based on written findings, the Executive Director will take immediate and appropriate corrective action if such prohibited conduct occurred.
 - The Executive Director or his/her designee will monitor the circumstances surrounding the complaint to ensure that the situation is remedied, without the employee having to file another complaint.
 - The Human Resource Coordinator will maintain a log of all formal sexual harassment complaints and the results of such complaints will be maintained.

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

3. Americans with Disability Act

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

The definition of disability will be the same definition used in the Americans with Disabilities Act of 1990 (ADA). The ADA defines disability, with respect to an individual, as:

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

The agency is committed to ensuring non-discrimination in all terms, conditions and privileges of employment. All employment practices and activities, whether conducted by

the agency or another entity on our behalf, will be conducted on a non-discriminatory basis. This includes the following practices:

Recruitment	Hiring	Compensation
Evaluation	Promotion	Training
Discipline	Termination	

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

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

5. Equal Pay Act of 1963 (EPA)

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

6. Federal Pregnancy Discrimination Act of 1978

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

The Texas Department of Public Safety (Department) is required to make reasonable efforts to accommodate the request of a commissioned officer who is determined by a physician to be partially physically restricted by a pregnancy if the request is related to the officer's working conditions. If an officer's physician certifies that, because of the officer's pregnancy, the officer is unable to perform the duties of the officer's permanent work assignment and a temporary work assignment that the officer may perform is

available, the Department must, on request of the officer, assign the officer to the temporary work assignment.

7. Military Leave Entitlements and Eligibility

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

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

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

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

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

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

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

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

8. Military Family Leave Entitlements

The Family and Medical Leave Act (FMLA) allows eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-month period for any “qualifying exigency” arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent.

In addition, the FMLA also allows eligible employees to take up to 26 weeks of job-protected leave in a single 12-month period to care for a covered service member with a serious injury or illness. Those two types of FMLA leave are known as the “military family leave entitlements.”

9. Military Pay Differentials

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

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

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

10. Determining Eligibility

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

11. Rehires Recently Leaving Active Military Duty

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

12. Employment Preference for Former Foster Children

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

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

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

An individual entitled to the former foster child employment preference that is aggrieved by a state agency's hiring decision or a workforce reduction that affects the individual may appeal the agency's decision by filing a written complaint with the agency's

governing board. The governing board is required to respond to a written complaint no later than 15 business days after the date the governing body received the complaint. The governing board may render a different hiring decision if the governing board determines that the former foster child employment preference was not properly applied.

C. WORKPLACE VIOLENCE

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

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

Employees should not make independent decisions on how to handle a possible violent situation. Employees should attempt to seek assistance from management before taking any direct or indirect action to increase the level of safety for everyone involved.

Violations of this policy will result in disciplinary action, up to and including dismissal.

D. REASONABLE WORKPLACE ACCOMMODATION

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

Definitions:

- *Disability:* Any employee having a physical or mental impairment that substantially limits at least one or more major life activity of the individual; a record of such an impairment; or being regarded as having such an impairment

- *Qualified individual with a disability:* An individual who meets all the skills, experience, knowledge, education and other job requirements for the position. In addition, the individual must be qualified to perform the essential functions of the position, with or without reasonable accommodation.
- *Religious Beliefs:* Allows an employee to practice his or her religion. The agency will reasonably accommodate an employee's religious beliefs or practices.

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

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

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

- A letter from an appropriate healthcare or rehabilitation professional. The letter shall contain a diagnosis; prognosis and an evaluation as to the effect the impairment will have on the employee's ability to perform the essential duties associated with the employee's position.
- A copy of all documentation relevant to making a decision about reasonable accommodation.
- The Executive Director may request a letter from the employee that includes:
 - A description of the employee's physical or mental impairment.
 - A list of all job functions or tasks the employee cannot perform, but can perform if reasonable accommodation is provided; and
 - A suggested method of accommodation, including the source and type of any special equipment that may be needed.

The Executive Director shall confer with the employee to ascertain the employee's requirements and input on a reasonable accommodation. If the conference is conducted

by the Executive Director's designee, then such appointed individual shall prepare a written report to be submitted to the Executive Director no later than the fifth (5) working day following his/her conference, and a copy shall be provided to the employee.

Based on the relevant information provided, the Executive Director shall determine what, if any, reasonable accommodation will be made and shall convey it to the employee. If accommodation would constitute undue hardship on the agency, supporting documentation will state the reasons. Undue hardship determination will conform to definitions provided by the courts, Americans with Disabilities Act, and the Texas Commission on Human Rights Act. Factors that may affect an accommodation decision include, but are not limited to, the availability of funding, the amount of disruption of work of other employees, and the impact on the agency's ability to conduct business.

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

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

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

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

1. HIV/AIDS

The Texas State Soil and Water Conservation Board recognizes Acquired Immune Deficiency Syndrome (AIDS) and its related conditions as a medical disability. Based on current medical research and scientific opinion, there is little to no risk that the AIDS virus

can be transmitted by casual contact in the normal workplace. Employees living with AIDS will be treated no differently than employees with other life-threatening illnesses.

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

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

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

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

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

2. Multiple Employment with the State

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

Three exceptions to this rule exist:

- Payment may be made to members of the military reserves or retirees of military service.
- Payment may be made to employees serving without salary as members of school districts, cities, towns, or other local governments.

- Nonelected officers or employees may hold other nonelected offices or positions if the positions are of benefit to the State or are required by law and there is no conflict with the original office or position.

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

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

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

3. Nepotism

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

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

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

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

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

4. Whistle Blowing

The Texas State Soil and Water Conservation Board (TSSWCB) may not suspend or terminate the employment of, or otherwise separate, discriminate, or take adverse action against an employee who, in good faith, reports a violation of the law by the agency or another public employee. A public employee who alleges a violation of this provision may file suit for injunctive relief, actual and punitive damages, court costs, and reasonable attorney's fees. In order to file a suit under the Whistleblower Act, an employee who is suspended, or separated from employment or who has received an adverse personnel action and who has reported such a violation of law to an appropriate law enforcement authority, must file a grievance after any alleged violation of the Whistleblower Act has occurred or was discovered by the employee through reasonable diligence within 90 days of the alleged violation.

5. Public Employee Labor Unions

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

6. Professional Services and Consulting Contracts

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

E. EMPLOYMENT AT-WILL

Texas State Soil and Water Conservation Board (TSSWCB) is an "employment at-will" agency. This means that once hired, an employee serves at the pleasure of the Executive Director or his/her authorized designee. Dismissal from employment may occur at any time, with or without cause, at the discretion of either the Executive Director or his/her designee.

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

Agency policies and procedures:

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

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

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

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

F. GENERAL EMPLOYMENT INFORMATION

1. General Conduct

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

2. Dress Code

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

Traditional business attire is appropriate for board meetings and when attending meetings or other special functions.

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

3. Absence from Work

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

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

4. Working Hours

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

Optional Flexible Work Schedule

Normal work hours are Monday–Friday from 8:00 am-5:00 pm.

If an employee requests to work hours other than those mentioned above, the employee must get prior approval from their supervisor before altering their work schedule. The supervisor has the authority to approve or deny an employee's request.

A flexible schedule must be for a set period of time. Employees are required to adhere to the Monday-Friday schedule. Flexible schedule is defined as changing work hours, not days. For example; M-F, 7:30am-4:30pm; M-F, 8:30am-5:30pm; or to accommodate a 30 minute lunch.

Employees, except those on approved flexible work schedules, are expected to adhere to the standard workweek of the agency.

Calendar Sharing

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

5. Breaks

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

6. Wellness/Fitness Program

a. Purpose

The TSSWCB Employee Wellness Program is a voluntary program designed to increase the general level of health and fitness of employees through programs that encourage participation in healthy activities and provide information about healthy behavior. It is expected that the availability of health and wellness activities will:

- contribute to a positive work environment;
- lead to health benefits;
- result in a reduction in absenteeism; and

- result in higher levels of work productivity.

b. Authorization

In accordance with the State Employees Health Fitness and Education Act of 1983, Texas Government Code Chapter 664, and 25 Texas Administrative Code §§ 1.61 and 1.62, the TSSWCB Employee Wellness Program is a voluntary program of formal and informal activities designed to result in improvement in the overall health and fitness of all agency employees.

c. Program Eligibility Requirements

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

d. Program Scheduling

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

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

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

e. Program Content

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

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

f. Use of Facilities

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

g. Program Costs

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

h. Wellness Coordinator

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

7. Workplace Lactation Support Policy

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

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

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

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

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

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

8. Smoking Policy

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

9. Parking

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

10. Property

Employees must sign for any state owned equipment that they remove from a TSSWCB office. You are expected to properly care for any equipment you use or that is assigned to you. You are also asked to use supplies prudently and economically. Unauthorized removal

of property from the premises or its conversion to personal use is a violation of state law. Should you have problems with equipment or supplies please notify the purchasing agent. All property is inventoried, and the property at your workstation or in your possession has been issued to you. Employees are therefore responsible for its care and whereabouts. Employees are financially liable for loss or damage to state property.

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

11. Drug-Free Workplace

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

12. Inclement Weather

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

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

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

13. Possession of Firearms on State Property Policy

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

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

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

It is the policy of this agency that employees of the TSSWCB who have a Concealed Handgun License or License to Carry a handgun may possess or carry a firearm on his or her person while performing work for the TSSWCB provided that the firearm is possessed and being carried in accordance with applicable statutes and regulations and appropriate safety guidelines.

TSSWCB employees with a License to Carry a handgun are NOT allowed to open carry while at work or while representing the agency.

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

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

The TSSWCB allows employees to conceal carry in offices which are not federally owned or occupied by a federal entity. It is unlawful to possess any weapons at any facility, including parking areas and common employee break areas, owned or leased by the US General Services Administration (GSA) for the use of a federal agency. Federal agencies may have totally different signs posted prohibiting weapons. Their statutes prevail over state law and they are not required to post signs prescribed by state law. Their penalties for possessing prohibited weapons are also more severe than state laws.

A governmental entity must post a 30.06 sign prohibiting concealed carry and a 30.07 sign prohibiting open carry [Tex. Penal Code § 46.035(c)] if they want to prohibit concealed and/or open carry during meetings of a governmental body conducting their meeting under the Texas Open Meetings Act (TOMA). A handgun may not be carried into a courtroom or offices used by a court. [Tex. Penal Code § 46.03(a) (3)]. The TSSWCB won't be able to post signs prohibiting the public from concealed or open carry in any of our offices not co-located with a federal entity, other than for public meetings posted under TOMA.

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

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

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

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

14. Personnel Files

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

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

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

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

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

15. Public Information

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

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

16. Updating Personal Data

It is the employee’s responsibility to promptly inform the Human Resources Department of any change of name, address, telephone number, or whom to notify in case of emergency.

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

17. Telephone Courtesy and Calls

Telephone courtesy is important. Often the telephone is the only contact the public has with us.

Answer all calls promptly, identify yourself and the agency, make inquiries tactfully, give your undivided attention to the call, avoid unnecessarily long conversations and treat the telephone as one of your most valuable business tools.

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

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

18. FAX Use

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

19. State Issued Cell Phone

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

20. State Issued Credit Card

State issued credit cards are provided to certain employees based on business travel requirements. These are to be used for state business travel purposes only, such as lodging, meals, automobile rentals, and other related business travel costs. If an employee is issued a card, their supervisor will brief them on its use. Employees are responsible for making payments in a timely manner to avoid delinquent accounts and interest charges. Each employee is responsible for any interest charges and such charges are not

reimbursable. Any further questions related to this matter should be directed to your supervisor. Upon separation from employment with TSSWCB or upon demand by your supervisor, you will be required to surrender the State issued card.

21. State Postage

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

22. Resignation

To ensure continuity of agency activities, an employee's plans to terminate employment should be given in writing to the Executive Director at least two weeks prior to the effective date of termination. Your supervisor & the Human Resource Coordinator should also be provided with a copy. Please contact the Human Resource Coordinator early in your two-week departure period to aid in the disposition of your benefits, such as retirement, insurance and any accumulated annual leave.

23. Terminations

When an employee resigns, retires, or terminates employment, ERS will mail the Consolidated Omnibus Budget Reconciliation Act (COBRA) election form to the employee. A checklist is used to assist in conducting the exit interview. Forms are entered into PeopleSoft for processing and copies are placed in the employee's personnel folder. A personnel action form is also completed and signed by the Executive Director. This form is used for data entry into the Uniform Statewide Payroll/Personnel System (USPS) for termination of employment.

24. Exit Interviews

The TSSWCB is required to conduct an exit interview with an employee who leaves employment with the agency. We will conduct the exit interview by having the employee access the questionnaire posted on the State Auditor's Internet site and electronically submit the completed questionnaire to the State Auditor. We will conduct the exit interview in a manner that allows the employee alone to describe the employee's reason for leaving employment. We may not alter the description stated by the employee.

Not later than the 15th day following the end of the calendar quarter, the State Auditor shall submit a report to each state agency containing the responses to the exit interview

questionnaire submitted by each former employee of the agency during the preceding quarter. The State Auditor's report may not contain the name of an employee or any other information identifying the employee. We may not share the responses to an exit interview questionnaire with another state agency. The responses to an exit interview questionnaire are confidential and not subject to disclosure under the Texas Public Information Act Chapter 552, Government Code. The responses may be disclosed only to a law enforcement agency in a criminal investigation or on order of a court. However, in a civil action, results could possibly be disclosed. The State Auditor may audit our records to determine whether the agency is complying with the requirements of this section. Not later than December 15 of each year before a regular session of the legislature, the State Auditor shall submit a report summarizing the findings of the exit interviews.

25. Information Resources Security

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

26. Part-Time Employees

Information pertaining to part-time employees is located in Section A of the Appendix.

G. ETHICS

The Ethics Code Title 5, Government Code, provides that no state office or employee should accept or solicit any gift, favor, or service that might influence him or her in the discharge of duties.

Other provisions of the Ethics Code restrict outside employment, business or professional activity, and personal investments that could incur a conflict of interest. Employees should check with their supervisor if they have specific questions.

1. Political Activity

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

2. Dual Employment and Conflict of Interest

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

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

H. PAY INFORMATION

1. Compensation Policy

The TSSWCB's policy is to comply with the salary administration requirements and pay rates of the Texas Classification Salary Schedule (Classification Plan). The current State of Texas Classification Plan and a detailed listing of all classified positions are available through the following link with the Office of the State Auditor. <http://www.hr.sao.texas.gov/CompensationSystem/JobDescriptions>

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

2. Direct Deposit

Employees are paid by direct deposit to the bank or financial institution of the employee's choice. For the first pay period after employment, the employee will normally receive a warrant unless there has been at least three banking days to process with the bank to ensure accuracy. The three banking day rule also applies to currently employees making changes to their direct deposit. An exception to this would be an employee coming from another state agency that was already set up on direct deposit and does not make any changes. In that case, direct deposit usually continues without delay. Employees complete a direct deposit form that is then keyed into the USPS System for processing from the Comptroller's Office. Pay is deposited in their account the first working day each month. Any problems or delays should be reported immediately to the Human Resource Department.

3. Deductions

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

4. Federal Income Tax Withholding

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

5. Employee Retirement

A state agency employee hired on or after September 1, 2015, becomes a member of the ERS program starting on his/her first day of employment. Each employee who is a member of ERS is required to pay an annual membership fee. However, the Texas Legislature has continued a long-standing tradition of appropriating funds to pay the membership fee.

The Texas Legislature determines the percentage of salary (currently 9.5%) each member is required to contribute to the ERS retirement fund. The state also contributes to the retirement fund an amount equal to a percentage (currently 9.5%) of each member's salary.

Membership in the employee class begins on the ninety-first day after the first day the person is employed. A person who is re-employed after withdrawing contributions under Subchapter B for previous service credited in the employee class begins membership in the employee class on the ninety-first day after the first day the person is re-employed.

Employees participating in ERS must contribute 6 percent of their pay into the system. The employing agency is responsible for deducting the amount of this contribution from the employee's pay. The deduction process requires no employee consent.

(See Retirement Benefits)

6. Charitable Contribution Deductions

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

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

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

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

7. Credit Unions Deductions

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

8. Deductions for Membership Fees for Eligible State Employee Organizations

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

9. Other Deductions

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

10. Benefit Replacement Pay* and Leveling

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

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

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

11. Longevity Pay

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

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

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

12. Longevity Pay for Return-to-Work Retirees

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

13. Longevity Pay When Employee's Status Changes

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

I. YOUR CAREER WITH TSSWCB

1. New Employee Orientation

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

2. Probationary Period

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

3. Probationary Status

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

4. Career Ladder

Agency-wide, our workforce consists of dedicated and knowledgeable employees. When a position becomes available, it is posted internally for 24 hours, to allow any TSSWCB employee to apply for a position they may be interested in, or may possess the required

knowledge, skills and abilities noted for the position. The position is next posted externally. Our agency seeks to allow current employees the opportunity for career advancement, yet allows for external applications in the event the position could not be filled internally.

5. Disciplinary Actions

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

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

Disciplinary actions are to be based on job performance and job related conduct. Job performance is defined as the employee's ability to effectively perform the functions of the job as determined by demonstrated knowledge, skills, and abilities as documented by personal evaluation and job related conduct is defined as the employee's demonstrated compliance or noncompliance with the agency's policies, procedures, and work rules.

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

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

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

- Discussion- Discuss the behavior with the employee and why it is a problem, explain what the correct behavior should be and discuss what could happen if the behavior is not changed.
- Oral Warning- Discuss the problem behavior with the employee and explain that immediate change must take place or further disciplinary action will take place.

- Written Warning- Discuss the problem behavior with the employee and give him/her a written document stating that the behavior is a problem and must cease immediately or further disciplinary actions will be taken.
- Probation- Give the employee a written document that says (1) his/her problem behavior must be corrected and (2) the corrected behavior must continue to be positive and productive. If the employee's performance does not meet both of these criteria, usually within a certain time frame, he/she may be terminated from employment. This termination can happen at any time during the probation period.

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

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

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

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

6. Performance Appraisal Policy

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

supervisor(s), the employee should provide a written statement of such complaint in this space.

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

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

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

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

- *Exceeds Standards-* Work quality, productivity, and commitment exceed job expectations. Total job expectations are exceeded in most respects and when problems arise, good judgment is displayed. Anticipates future tasks and/or job related events, and plans procedures to address them.
- *Meets Standards-* Work quality, productivity, and commitment consistently meet job expectations with normal supervision. Key job responsibilities are met on a day-to-day basis.
- *Below Standards-* Performance is below expectations of the position and requires improvement in one or more significant aspects of the job. A specific

improvement program and timeline is agreed upon between supervisor and employee. Prescribed period for immediate improvement is agreed upon between supervisor and employee; (not to exceed 90 days from date of appraisal session). Performance is monitored on a monthly basis until improvement is noted. Failure to display noticeable improvement in performance during this time, as documented by supervisor, may result in termination of employment.

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

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

7. Professional Fees and Dues

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

8. Training and Development

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

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

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

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

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

9. Job Classification

The General Appropriations Act established the Position Classification Plan and Salary Schedule to assure that salaries are commensurate with work performed. There is a state job description for each classified position in the agency that describes, among other things, knowledge, skill and ability required; duties performed, and the level of responsibility for each position. Each classified position has been evaluated by the State Auditor's office and assigned to a salary schedule.

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

J. HIRING AND SELECTION PROCESS

1. Hiring Policy

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

2. Job Announcements

The job announcement is based on the approved job description. The same qualifications on the job description are in the announcement. Preferred qualifications if applicable are also listed in the announcement. The application deadline and procedures to follow are also in the announcement. All applicants are required to submit the State of Texas Uniform Application for Employment. If resumes are submitted they will be kept with the

application. Resumes will not be accepted in lieu of the application. All applicants for the vacant position will be listed on an applicant log.

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

Job announcements are:

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

3. Exempt Position

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

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

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

4. Classified Positions

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

Resource Coordinator to ensure procedures are objective, job related, measurable, and consistently applied.

5. Employment Preference for Veterans

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

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

6. Military Occupational Specialty Codes on Employment Openings

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

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

7. Screening Applicants

The Human Resource Coordinator and the hiring supervisor of the vacant position will review applications and resumes for qualifications based on the job description. When appropriate, the Executive Director may review the applications and resumes. A screening checklist used for comparing an applicant's qualifications to the job posting and to other applicants for the position is completed for each application received. Applicants most qualified and with the highest score on the screening checklist are contacted for an interview.

8. Interview Questions

The Human Resources Coordinator will develop the interview questions in conjunction with the hiring supervisor. All interview questions will ensure the questions are objective,

job-related, along with providing information on the applicants' knowledge and competencies to perform the job along with meeting current EEO laws.

9. Interviews

The applicants are interviewed by the Human Resource Coordinator, when applicable and practical and the immediate supervisor of the vacant position, and any other employees the Executive Director determines should be involved in the process. After the interviewing process, the interviewers discuss and score the applicants. The hiring supervisor ultimately makes the recommendation to the Executive Director. If a second interview is necessary, the supervisor of the vacant position along with whomever the Executive Director designates will conduct the interview. After another discussion among the interviewers, a recommendation is made by the hiring supervisor to the Executive Director. The ultimate responsibility of the final recommendation rests with the hiring supervisor. The supervisor of the vacant position or whomever the Executive Director designate makes a job offer to the applicant. The Executive Director should not approve hiring recommendations from supervisors unless all required steps in the hiring procedures have been documented and verified by the Human Resource Coordinator.

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

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

10. Reference Checks

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

11. Verification of Employment Eligibility

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

12. Employment Processing

New employees need to complete all personnel and insurance documents as well as receive some orientation about the agency. All documents are placed in the employee's personnel folder. A checklist is provided to assist with orientation of agency.

13. Merit Increases

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

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

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

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

14. Promotions

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

promoted employee a salary amount up to and including the maximum rate of the new salary group.

15. Demotions

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

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

16. Lateral Transfer

A lateral transfer is a change in duty assignment of an agency employee that moves the employee to another job class in the same salary group.

When a lateral transfer occurs, the salary can be increased, it can remain the same, or it can decrease within the salary group. If an increase is provided, it can be no more than 3.4 percent above the pre-transfer salary. A state employee's annual salary rate immediately after a transfer may not exceed the maximum for the salary group.

17. Equity Adjustments

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

A classified employee may receive an equity adjustment if the employee has worked in his or her current position for at least six months while maintaining a satisfactory level of job performance. An employee may not receive more than one equity adjustment during a fiscal year. State agencies must establish written rules regarding equity adjustments

and must consider the education, skills, related work experience, length of service, and job performance of agency employees and similar employees in the relevant labor market. These rules must include procedures under which the agency will review and analyze the salary relationships between agency employees who receive salaries under the same job classification and perform the same type and level of work to determine if inequities exist. Equity adjustments must be justified by comparing salaries within the agency to similar jobs in the market area. The Human Resources Coordinator reviews job openings for similar positions with other state agencies and job openings posted on job search web sites.

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

18. Temporary Reassignments

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

19. Salary Group Reallocation

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

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

20. Reclassification

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

21. Reduction-In-Force

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

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

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

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

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

22. Travel and Per Diem

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

Employees who are required to travel overnight out of the city of their assigned headquarters or out of state on official business will receive appropriate reimbursement for travel, meals

and lodging expenses as authorized. The Executive Director must authorize all out of state travel in advance.

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

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

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

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

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

23. Use of State Vehicles for Travel

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

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

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

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

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

- all employees must have a current Texas driver's license;
- all occupants shall use safety belts while the vehicle is in motion;
- all speed limits shall be observed and speed should be reduced to a safe driving speed during inclement weather;
- drivers shall use good defensive driving techniques;
- employees should never drive while under the influence of medication, alcohol or drugs, which cause drowsiness, or while in poor health which could endanger their lives or the lives of others;
- drivers are representatives of the TSSWCB and are expected to drive courteously;
- while on travel status, employees shall not use the TSSWCB state vehicle for personal reasons;
- any traffic violations involving a TSSWCB state vehicle must be reported immediately to the TSSWCB headquarters. It is the responsibility of the employee to pay traffic violations including parking tickets. Failure to resolve such traffic violations will result in disciplinary action, up to and including dismissal;
- drivers of TSSWCB state vehicles are responsible for removal of all debris from the vehicle before it is returned to headquarters;
- drivers of TSSWCB state vehicles are expected to accurately reflect trip records and mileage;
- use of tobacco products are not allowed in state vehicles.
- TSSWCB employees with a License to Carry a handgun may conceal carry their handgun in agency vehicles and if necessary conceal store their gun in the vehicle for short periods of time. Guns should not be stored in an agency vehicle over night unless there are no other options. The employee storing the handgun in a vehicle is ultimately responsible for any loss and any misuse of a handgun due to a loss.

Traffic Accidents. In the event of a traffic accident:

- employees have a duty to provide reasonable aid and assistance to an injured person if it will not put the employee's personal safety at risk;
- employees should make no comment or statement other than that required by law enforcement officers;
- any traffic accident involving a TSSWCB state vehicle must be reported immediately to the local police or highway patrol, and as soon as possible to the Fleet Manager; and

- employee's injuries occurring during the course of work, including travel must be reported within 24 hours to the Worker's Compensation Claims Coordinator in the Human Resource Department.

Emergency Situations. In the event of an emergency situation:

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

24. Fair Labor and Standards Act

The minimum wage in Texas is linked to the federal minimum wage under Section 6 of the Fair Labor Standards (FLSA) Act of 1938 (29 United State Code, Section 206). Beginning July 24, 2009, the federal minimum wage was \$7.25 per hour. Exceptions are made for certain employees if the person's earning or productive capacity is impaired by age, physical or mental deficiency, or injury. Specific rules and regulations can be found on the U.S. Dept. of Labor website at <http://dol.gov/compliance/guide/minwage.htm>

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

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

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

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

State Compensatory Time - Compensation awarded for extra time worked that exceeds 40 hours in a work week (counting both actual hours worked and any paid leave used) at a rate of one times the amount of extra time worked. State compensatory

time must be used within 12 months of the end of the work week in which the time was accrued or the time will expire.

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

25. Compensatory Time and Overtime

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

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

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

Generally, non-exempt employees are those on Schedule A, Classification Salary Schedule, General Appropriations Act. Any questions should be directed to the Human Resources Department.

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

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

K. FINANCIAL BENEFITS

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

1. Employee Insurance Benefits

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

There are three types of medical plans in the Texas Employees Group Benefits Program: HealthSelect, health maintenance organizations (HMOs) and a consumer-directed health plan. When employees enroll in one of these plans, they automatically receive a basic group term life insurance policy paid for by the State.

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

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

Any changes, additions, or deletions to an employee's coverage are allowed only during the Summer Enrollment Period. (July) Exceptions to this will be for marriages, newborns, adoptions, and any other exceptions that occur during the Plan Year.

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

2. Health Maintenance Organization (HMO's)

Employees in certain areas are offered coverage by a Health Maintenance Organization (HMO) program. This is a health care system delivering a range of comprehensive services for a fixed fee. Every employee residing in an HMO service area has the opportunity to select the health plan offered by the HMO rather than the health plan provided by the Uniform Group Insurance Program. The established state contribution can be applied to HMO coverage. The Human Resources Department can advise you of areas currently offering HMO programs.

3. Enrollment

Employees may apply for health insurance or HMO membership after the 60-day waiting period if applicable, or during an open enrollment period as set by the Employees Retirement System (ERS) that administers insurance programs.

Employees should complete a Benefit Election form and any other documents needed to enroll in the different coverages during initial enrollment or make changes during Summer Enrollment. Copies are to be kept in a separate employee's personnel file, and the information is entered into ERS Online. New employees may also enter their election into ERS Online at www.ers.stat

The Human Resource Coordinator should have all of the documents and is familiar with the necessary documents needed for each employee's particular request.

If an employee declines coverage at either time, then they must wait to enroll during Summer Enrollment that takes place in July of each year.

4. Changes

During an employees first thirty-one days of employment, they may change their coverage (for example, electing higher coverage or adding dependents) with no penalty. After that time, they must wait until Summer Enrollment in July to make changes, except for qualifying life events and changes in your family occurring through marriage, birth or adoption. Contact the Human Resource Coordinator for more information about qualifying life events.

5. Changes in Your Family

If an employee gets married, has a child through childbirth or adoption, or there is any other change in the composition of their family, promptly notify the Human Resources Department of the date of marriage, birth or adoption. A new husband, wife or newborn or dependent children must be added within 31 days of the date of marriage, birth or adoption.

6. While on Leave Without Pay

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

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

7. Assistance with Insurance Coverages

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

8. Worker's Compensation Claim Procedure

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

The Safety Officer will follow all procedures as set forth by the State Office of Risk Management outlined in the Claims Coordinator Handbook. State employees are covered by Workers' Compensation for injuries sustained on their jobs or in the performance of their duties. Employees should immediately report any accident of this kind to their supervisor.

Employees do not file a claim on their personal insurance if the accident/injury is work related.

9. Retirement Benefits

Membership in the retirement system for employees hired on or after September 1, 2015, begins on their first day of employment.

The State's retirement plan is a defined benefit plan and offers defined contribution retirement plans to employees. Employees are covered under a defined benefit plan (or traditional pension plan) through the Employees Retirement System (ERS).

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

Due to the complex nature of retirement benefits, employees should refer to ERS for complete information.

An employee may request information about their retirement account or seek guidance about retirement from the Employees Retirement System of Texas. (ERS)

Employees need to submit a Retirement Beneficiary Form during their initial enrollment. Employees can also submit a renewal at any time during the year. All originals are sent to ERS. Copies are kept in a separate employee's personnel file.

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

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

10. Death Benefits

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

- Salary due computed through the date of death (less Federal Withholding and Social Security Taxes);
- Pay for accrued vacation time;
- Pay for one-half of the employee's accrued sick leave (or 336 hours, whichever is less);
- Applicable state retirement benefits;
- \$5,000 death benefit; and
- Any outstanding travel and Per Diem due the deceased

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

11. Deferred Compensation and Texa\$aver

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

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

12. 401(k) Plan Automatic Enrollment

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

L. LEAVE BENEFITS

Employees will submit all leave in 30 minute increments.

1. Request for Approval of Leave or Overtime

Use Compensatory Credit Request Form:

- When holiday leave is earned
- When employees exempt from FLSA earn state compensatory leave

Use Overtime Credit Request Form:

- When non-exempt employees earn overtime

Use Leave Request Form

- When any employee wishes to take leave

The original copy of the form is approved by the supervisor, and in some cases by the Executive Director if leave is considered "Other Leave". The form is then forwarded to Human Resources Office to be posted and filed. A copy is sent to the employee.

Exception: For employees in the Regional offices or field staff, leave should be requested by phone and signed by the employee, and mailed to the Administrative Coordinator and forwarded to Human Resources. After the leave has been posted, their leave report is mailed to the employee and the original forms are filed.

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

Various leave provisions add to your employee benefits.

Compensation Leave for Extra Time Worked

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

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

If travel or work requires more than a normal 8 hour work day, the maximum comp time an employee may accrue is 8 comp time hours per month. Employees are requested to use

their comp time within 30 days if possible. Comp time must be used within 12 months or it will be forfeited. Comp time is not transferable to another state agency and will not be paid when an employee separates from the agency.

Example: Employee works 7:00am-5:00pm on a given day; employee must submit a comp request form for 1 hour credit. To use the 1 hour credit, the employee must submit the comp leave request form. However, with prior supervisor approval, an employee's schedule may be flexed for that same day to adhere to an 8 hour workday such as working 7:00am-4:00pm, eliminating the paperwork.

If travel will exceed an 8 hour work day, the employee should request prior approval from their supervisor, and request an overnight stay at a State contracted hotel if available for employee safety.

If travel or work is required on the weekend, prior approval from their supervisor is required. Employee will receive comp time on an hour for hour basis.

2. Annual Leave

After six months of uninterrupted employment with the TSSWCB or with another state agency and the TSSWCB, employees are entitled to take paid vacation. Employees accrue vacation entitlement from their first day of employment through their last day of work. Part-time and hourly employees accrue time at a rate in proportion to that of regular full-time employees.

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

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

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

Before taking annual leave, employees must complete a leave request and obtain approval from their immediate supervisor. Taking leave prior to approval is considered to be an unauthorized absence. However, if it becomes necessary for an employee to take annual leave on such short notice, approval may be obtained by telephone from your supervisor or other appropriate management representative. A request must be submitted even though prior approval has been granted by telephone.

Employees must carefully plan their vacation schedule with their supervisor to ensure the continued effectiveness of the office; therefore, individual plans may need to be changed to suit agency and departmental needs. If an employee has been employed with the state for six months or longer and leaves state employment, they are entitled to all vacation time accrued. The employee may elect a lump sum payment for vacation credit. If approved by the Executive Director, the employee may remain on the payroll for the duration of time accrued. Approval of either option is based on convenience and effectiveness of the agency.

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

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

4. Holidays

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

Non-national holidays require that our offices be staffed with a skeleton crew. The Executive Director may require the office to be staffed at any level deemed necessary on any holiday. If you are required to work on a holiday or if you get approval in advance from your supervisor or the Executive Director to work on a holiday, you will receive compensatory time. A Compensatory Leave Request form must be completed with the number of hours worked and approved in order to receive proper credit. You may obtain these from your supervisor or from Human Resources.

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

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

The following holidays are currently specified (*Open Office Holidays):

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

5. Sick Leave

Another benefit, sick leave with pay, protects an employee's income when they are absent from work because of illness or injury. It may not be used for any other kind of absence (except for certain family members' illnesses).

Employees accumulate eight hours of sick leave credit each month, beginning with their first day of employment. As with vacation time, part-time employees accumulate sick leave in proportion to the number of hours worked. There is **no limit** to the amount of sick leave an employee may accrue or carry forward from one fiscal year to the next.

Sick leave with pay may be taken whenever illness, injury, pregnancy, adoption of an infant, confinement or illness of the employee or of a member of the employee's immediate family prevents the employee's performance of duty.

Immediate family, for sick leave purposes, is defined as individuals related to the employee by kinship, adoption or marriage that are living in the same household. It also includes individuals not living in the same household, but who are totally dependent upon the employee for personal care and services on a continuing basis.

Appointments with medical or dental doctors are considered legitimate claims against sick leave.

If an employee becomes ill and must miss work, they should notify their supervisor at the earliest practical time. A leave slip must be submitted by each employee immediately upon returning to duty after any absence because of sickness. For absences of more than three consecutive working days a written statement from the attending physician should be obtained. If no physician is contacted during the three consecutive working days a detail explanation should be provided.

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

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

6. Extended Sick Leave

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

7. Sick Leave Pool

Agency employees may voluntarily contribute one or more days of accrued Sick Leave to a pool for wider use any time during the fiscal year. There is no limit to the amount of sick leave time that eligible employees may donate. Requests to use sick leave hours from the pool are completed and forwarded through the appropriate supervisory channels to the Pool Administrator. Requests will be considered and either approved or not approved by the Executive Director, on a first-come, first serve basis. The pool is to be used only in the case of catastrophic illness affecting the employee or his/her immediate family and may only be requested when all other leave is exhausted.

8. Donations of Sick Leave to Another Employee

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

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

9. Using Donated Sick Leave

- The recipient employee must complete a Request to Receive Donated Sick Leave Form which includes certification of eligibility to receive donated sick leave. Form must be submitted to HR.
- Donated sick leave will be treated and utilized as sick leave for all purposes.
- If the donated sick leave is unused when the employee returns to work from absence, the employee will retain any balance remaining and can use donated sick after exhausting their accrued sick leave.
- Employees using donated sick leave hours intermittently must exhaust accrued sick leave before using donated sick leave hours.
- Employees cannot re-designate donated sick leave hours to another employee.
- Employee cannot use donated sick leave hours for service credit towards retirement.

Donated sick leave hours cannot be reinstated upon reemployment.

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

10. Sick Leave for Education Activities

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

11. Administrative Leave for Outstanding Performance

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

12. Other Leave

a. Emergency Leave

Leave because of bereavement will be granted to an employee when there is a death in the employee's family. For the purposes of emergency leave, your family is defined as

your spouse, or your or your spouse's parents, children, brothers, sisters, grandparents, and grandchildren.

The length of time allowable depends on the needs of each situation, but normally amount to three days. This time is only to cover the immediate emergency needs of the situation, not long term resolution of any related problem.

A leave request must be made in writing and approved by the immediate supervisor and the Executive Director. The Executive Director must approve any exceptions to this policy. Requests under emergency conditions may be made and approved orally or via telephone, but must be submitted in writing upon returning to work.

The Executive Director may approve or disapprove other reasons for emergency leave on an individual basis after review of the particular case. A regional or statewide public health emergency may be a basis for emergency leave.

b. Voting

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

c. Military Leave

Both state and federal law provide employment and re-employment rights to individuals who are called to military service. These laws provide income and job protection, as well as a means for employees to secure time off when called to military service.

d. The Uniformed Services Employment and Reemployment Rights Act (USERRA)

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

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

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

e. Leave for Organ or Bone Marrow Donation

A state employee is entitled to leave of absence without a deduction in salary for the time necessary to permit the employee to serve as a bone marrow or organ donor.

The leave of absence may not exceed:

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

f. Donation of Blood

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

g. Voluntary Firefighters/Emergency Medical Services Training Leave

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

h. Certified Red Cross Activities Leave

Employees who are certified disaster service volunteers of the American Red Cross or are in training to become such a volunteer are entitled to a leave of absence not to exceed ten days each fiscal year. The employee must have the approval of his or her

supervisor and a formal request from the Red Cross. In addition, the approval of the Governor's Office is required.

i. Leave for Employees with a Disability

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

j. Jury Duty and Court Appearances

If an employee is called for jury duty, the time they miss from work is not charged against their accumulated leave. Any compensation or reimbursement of expenses they receive for jury duty will not affect their salary. A statement from the court is required before they may be credited with jury leave.

If, because of their position with the State Board, they are called to appear as a witness in a trial, the time they miss from work is not charged against their accumulated leave; however, fee acceptance is conditional and is regulated by the Appropriations bill. Employees should consult their supervisor, as some state employees may accept fees and some may not.

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

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

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

k. Leave of Absence Without Pay

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

- The leave is unpaid.
- The leave may not exceed 12 months.
- Except in instances of disciplinary suspension, workers' compensation, or military situations:
 - Annual leave must be exhausted.
 - Sick leave, if appropriate, must be exhausted.
 - Subject to fiscal constraints, approval of LWOP constitutes a guarantee of employment for a specified period of time.
 - The administrative head of an agency or institution of higher education may allow for exceptions to these limitations.
 - Any full calendar month of LWOP does not constitute a break in employment but also does not count for purposes of state service credit with the exception of an employee returning from military leave without pay. This time is also not included in the calculation of the number of continuous months of employment for purposes of merit increases and leave. An employee who is on LWOP will have his or her compensation reduced for the pay period at the hourly rate of pay times the number of hours on LWOP. Please refer to the statutes cited in this section for specific guidelines concerning salary reductions for employees who are exempt from the Fair Labor Standards Act (FLSA).

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

I. Parental Leave

Parental leave is intended only for use by those state employees who, at the time the leave is taken have less than 12 months of state service, or less than 1250 hours of work in the preceding 12 months.

This benefit is intended to assist the employee when childbirth, adoption or foster care placement of a child under the age of three. The employee may, with the approval of the Executive Director, take up to 12 weeks of extended leave time for the purpose of caring or assisting the spouse in caring for a newborn. This leave time may be taken as unpaid leave, or may be taken as paid leave, using whatever annual or sick leave that the employee has available, or in any combination of the two.

m. Family Medical Leave Act (FMLA)

In accordance with the federal Family and Medical Leave Act, eligible employees are entitled to up to 12 weeks (480 hours) of unpaid leave in a rolling 12-month period for certain qualifying events. The FMLA designation ensures that non-key employees are entitled to return to the same job or an equivalent position with equivalent pay, benefits and other employment terms and conditions.

The agency will determine whether an event qualifies as Family and Medical Leave Act (FMLA) leave and will notify the employee of the designation. In order to be paid while on FMLA designated leave, employees are required to use all applicable accrued leave balances excluding Fair Labor Standards Act (FLSA) compensatory time (overtime).

An employee who is eligible for FMLA leave will be granted up to 12 workweeks of leave during a rolling 12-month period, measured forward from the first day of FMLA leave, for:

- birth and subsequent care of a newborn child;
- placement of a child for adoption or foster care;
- need to care for an immediate family member with a serious health condition;
- serious health condition that renders the employee unable to work; or
- a “qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. A qualifying exigency is activities such as helping to arrange for or temporarily provide childcare, assisting with a family business, or completing the sale of personal property.

In addition, an employee who is eligible for FMLA leave and who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12 month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

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

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

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

Under the FMLA, a husband and wife who both work for the TSSWCB will be eligible for a combined total of 12 weeks of leave for the following:

- the birth of a child or to care for the child after birth;
- the placement of a child for adoption or foster care or to care for the child after placement; or
- the care of a parent with a serious health condition.

The state shall maintain group insurance coverage for the employee while on FMLA leave. The employee is still responsible for paying the employee's portion of health insurance premiums and any other optional benefit coverage. Appropriate arrangements must be made with Human Resources for the employee to pay the employee's share of health insurance premiums and any other optional benefits coverage while on leave. If the employee fails to return to work after the FMLA leave expires, under certain circumstances the employee may be required to reimburse the State of Texas for the state-paid portion of the health insurance premiums.

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

An employee who is receiving temporary disability benefits or workers' compensation income benefits is not required to use annual or sick leave but may elect to do so.

If a holiday falls within a week in which an employee is on continuous FMLA leave, the holiday will be counted toward the FMLA leave entitlement. Holidays are not counted toward the FMLA leave entitlement where the employee uses FMLA leave intermittently or on a reduced work schedule and is absent on a holiday.

Job restoration and the FMLA

- When a non-key employee returns from FMLA leave, the employee must be restored to his or her original position, or to an equivalent position with the equivalent pay, benefits, and other employment terms and conditions.
- An employee's use of FMLA leave cannot result in a loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.
- In cases of medical leave taken for the employee's own serious health condition, the employee must obtain a Return to Work Certification from the health care provider stating that he or she is able to resume work. The employee should provide the Return to Work Certification to Human Resources upon returning from leave. An employee will not be permitted to return to work until a satisfactory Return to Work Certificate release from the attending health care provider is submitted to Human Resources.
- When FMLA leave is for care of a family member, the employee must notify Human Resources of the employee's return from leave.
- An employee should provide reasonable notice (i.e., two working days) if returning from leave earlier than originally scheduled.

An employee considered by the TSSWCB to be a "key employee" will be formally notified in writing at the time of request for leave that he or she qualifies as a key employee and reinstatement may not be in a position of equivalent pay, benefits, and other terms and conditions of employment. Key employees are those employees who are among the highest paid 10 percent of all those employed by the TSSWCB.

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

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

- 30 days' notice in advance of the need to take FMLA leave, if possible;

- medical certification supporting the need for the leave due to a serious health condition affecting the employee or an immediate family member; or documentation of the event for adoption and foster care placement of a child;
- any additional medical opinions or periodic recertification at the TSSWCB's discretion; and
- periodic reports during the FMLA leave regarding the employee's status and their intent to return to work.

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

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

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

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

n. FMLA Eligibility

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

o. FMLA Definitions

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

- any period of incapacity or treatment connected with inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility; or

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

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

Immediate Family Member is defined as follows:

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

p. Exceptions

FLSA compensatory time (overtime) is not considered paid leave for the purposes of FMLA leave.

q. Forms

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

r. Transfer of Leave Time

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

To transfer either the amount of accrued leave or the rate of leave accrual, they should ask each state agency with which they have been employed to send a statement of their length of employment with the appropriate information to the Human Resources Department.

An employee who was terminated through a reduction in force may have his or her earned sick leave entitlement reinstated upon returning to state service within six months of termination.

M. SPECIAL PROVISIONS RELATING TO FIELD PERSONNEL

1. Policy on Compensatory Leave for Field Representatives

If it is necessary for a field representative to work on a State Holiday, they should inform the administrative coordinator. Also, this should be noted on the appropriate daily report. This compensatory leave must be taken within twelve months following the date of the holiday.

Should it be necessary for a Field Representative to work or travel for work on a Saturday or Sunday, they should inform the administrative coordinator.

2. Reports To Be Filed By Field Personnel

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

a. Monthly Schedules

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

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

b. Weekly Itineraries

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

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

c. Daily Reports

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

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

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

d. Annual Leave Request

Request for annual leave must be approved by your immediate supervisor prior to the time the employee begins annual leave. If it becomes necessary for a field representative to take annual leave on such short notice, approval may be obtained by telephone from the administrative coordinator. A leave slip must be submitted even though prior approval has been granted by telephone.

e. Sick Leave

Field personnel should notify the Temple Office by telephone when they begin sick leave and when they return to work. A leave slip must be submitted by each employee immediately upon returning to duty after any absence because of sickness. For absences of more than three consecutive working days a written statement from the attending physician should be obtained. If no physician is contacted during the three consecutive working days a detail explanation should be provided.

f. Travel Expense

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

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

N. SPECIAL PROVISIONS FOR OFFICE PERSONNEL

1. Publications

It is the policy of the Texas State Soil and Water Conservation Board that all news articles, technical manuals, reports and other agency produced literature reflect the voluntary nature of programs and provide positive encouragement to those who might participate in the program. All material should be reviewed and approved by appropriate agency personnel and other appropriate parties to ensure the document or documents contain no negative or misleading information that might discourage program participation and that it reflects technical accuracy, relevant editorial content and adherence to overall TSSWCB policy, mission, and philosophy of promoting a voluntary conservation program.

2. Cost-Share Funds

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

3. Building and Grounds

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

4. Building Security

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

5. Leaving the Building

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

6. Use of Break Room

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

O. EMERGENCY PROCEDURES

1. Emergency Evacuation

In case of an emergency, employees may be required to evacuate their offices and/or the building. Employees should become familiar with evacuation plans posted in the hallways of the office building in which they work. Further information may be obtained from their supervisor.

If evacuating the building is necessary, walk calmly to the appropriate emergency exit. Do not run. Do not panic. Proceed to the designated location and wait for an "all clear" signal. Stay away from all fire hydrants. When an "all clear" signal has been given, return to your work place. All employees are expected to be back at their workstations within ten minutes after the "all clear" signal.

(Refer to the Emergency Evacuation Plan located in the Appendix)

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

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

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

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

P. EMPLOYEE SAFETY

Employees of the State of Texas are without question one of the state's most important assets. In recognition of this fact, the provision of a reasonably safe working environment for our employees is one of the primary responsibilities of the Texas State Soil and Water Conservation Board. We urge employees to practice safe work habits and to be safety-minded at all times. This agency has developed a Safety and Health Program manual, a copy of which is included with this document as appendices. All employees are responsible for receipt and review of the Safety and Health Manual. Employees acknowledge receipt of

this policy when they return the signed document at the end of the Policy and Procedures Guide (last page in this manual).

Q. APPENDICES

APPENDIX A

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

Part-time Employees

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

Entitlement for Part-time Employees

Annual Leave

Part-time employees accrue vacation leave proportionate to full-time employees. For example, a part-time employee who works 20 hours per week would accrue vacation leave at half the rate of a full-time employee. After six months of uninterrupted employment with the TSSWCB or with another state agency and the TSSWCB, employees are entitled to take paid vacation. Employees accrue vacation entitlement from their first day of employment through their last day of work.

The maximum number of vacation leave hours they may carry over to the next fiscal year is also proportionate. An employee who is on leave on the first day of the month is not eligible to use leave accrued for that month until the employee returns to duty.

Sick Leave

Part-time employees accrue sick leave at a rate of that proportionately for a part-time employee.

Holidays

Part-time employees are allowed the same paid holidays as full-time employees, but are paid for holidays on a proportionate basis.

Parent-Teacher Conference

Part-time employees receive this leave on a proportionate basis.

Emergency Leave

Part-time employees receive this leave on a proportionate basis.

Compensatory Time

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

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

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

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

Longevity

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

Time Sheets

Part-time employees will complete time sheets. An example of a completed employee timesheet is attached to this policy statement. Part-time employees should check with their supervisor or with Human Resources about any questions concerning the completion of this form.

At the end of each week, the weekly time sheet should be completed for each day worked (including holidays and weekends, if they are worked). Using the reference codes at the bottom of the time sheet, the employee enters the number of hours worked by the letter identifying the code. Example: a Monday with 8 work hours would read 8W. A Monday with half a day of work and half a day of sick leave would read 4W/4S. The time should be kept in this manner each week.

At the end of each month, the number of hours worked in each category should be entered in the space provided at the bottom of the page. If the month ends in the middle of a week, that sheet should be summarized and a new one started for the next month. The timesheet is then signed and submitted to the employee's supervisor by the fifth day of the month. The supervisor will then forward the timesheets to Human Resources for processing. They should be received in Human Resources by no later than the tenth day of each month.

Benefits

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

Waiting Period For Coverage

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

State Contributions For Health Insurance

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

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

State Retirement Program

Contributions

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

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

All other policies and procedures in the Employee Handbook apply.

APPENDIX B

FLEET SAFETY

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

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

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

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

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

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

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

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

Employees driving state-owned vehicles are to maintain the State of Texas Vehicle Use Report provided for each vehicle. Entries should be recorded at the time purchases are made and at the end of each day. At the end of each month, the Vehicle Use Report for the month should be

completed and mailed along with copies of credit card purchases and repair orders to the Fleet Manager.

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

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

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

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

Amy Devereaux

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

APPENDIX C

TEXAS STATE SOIL & WATER CONSERVATION BOARD

SAFETY AND HEALTH PROGRAM MANUAL

TEXAS STATE SOIL & WATER CONSERVATION BOARD

SAFETY AND HEALTH PROGRAM MANUAL

Table of Contents

PART A

PURPOSE

APPLICABILITY

SAFETY AND HEALTH POLICY STATEMENT

PART B

Chapter	Title
1	Assignment of Responsibility
2	Safety and Health Training
3	Hazard Identification and Reporting Program
4	Accident/Incident Investigation, Reporting, and Analysis
5	Drug & Alcohol Free Workplace Program
6	Emergency Evacuation Plan
7	Traffic Safety
8	Texas Hazard Communication Act

PART C

Appendices	Safety Officer Appointment Additional Duty Safety Officer Duties Additional Duty Safety Officer Appointments Employee Safety Information Form
------------	--

TEXAS STATE SOIL & WATER CONSERVATION BOARD

SAFETY AND HEALTH POLICY STATEMENT

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

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

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

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

Rex Isom (Electronically Signed)
Signature

1/3/17
Date

Chapter One

Assignment of Responsibility

- A. Executive Director: The executive director is responsible for the implementation of the Texas State Soil & Water Conservation Board Employee Safety and Health Program. To accomplish this, the executive director shall:
1. Appoint a staff member as the Texas State Soil & Water Conservation Board safety officer, who shall report directly to the Fiscal Officer on safety related issues.
 2. Promote safety and health considerations as integral components in the planning and decision-making process at all levels of the organization.
 3. Hold supervisors/employees accountable for acts and conditions within their areas of responsibility and control.
- B. Agency Safety Officer: The safety officer is responsible for establishing and administering the Texas State Soil & Water Conservation Board Employee Safety and Health Program. Specifically, the safety officer is to assist, advise, and guide the operation of the agency safety program. To accomplish this, he/she will:
1. Prepare information to be presented to all new employees concerning the employee safety and health program.
 2. Keep the Executive Director informed by providing performance feedback in attaining established goals and objectives in the form of an annual summary report.
 3. Annually review and update as necessary, the Texas State Soil & Water Conservation Board Safety and Health Program.
 4. Promote safety awareness through the distribution of educational materials such as posters, flyers, brochures, and safety articles.
 5. Present and discuss safety and health related issues and topics during staff meetings.
 6. Encourage regional managers to conduct and document annual safety inspections of regional office locations.

7. Personally conduct and document an annual safety inspection of the entire agency.
8. Assist supervision with accident/incident investigation to ensure that all mishaps are timely/thoroughly investigated and appropriate corrective action taken.
9. Maintain a record of all job-related injuries or illnesses.

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

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

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

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

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

ADDITIONAL DUTY SAFETY OFFICER DUTIES

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

Chapter Two

Safety and Health Training

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

The safety and health training component can be divided into two major categories: new employee orientation and training.

1. **New Employee Orientation** - This is the first opportunity to establish the expectations for the agency safety and health program. This orientation training will normally be conducted within the first week of employment. As a minimum the following topics should be covered with new employees:
 - a. Agency Safety and Health Policy
 - b. Employee's Safety Responsibilities
 - c. Emergency Response/Availability of First Aid
 - d. Reporting Unsafe Working Conditions
 - e. Accident/Incident Reporting Procedures
 - f. Review of Fire and Emergency Evacuation Plan
 - g. Workers' Compensation Programs/Benefits
 - h. Agency Drug & Alcohol Free Workplace Policy/EAP
 - i. Texas Hazard Communication Act (Applicable portions)

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

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

- a. First-aid Training
 - b. CPR
 - c. Back Injury Prevention Training
 - d. Defensive Driving
 - e. Fire Extinguisher
 - f. Workplace Violence
3. **Records and Documentation** - It is essential that all training be adequately documented. As a minimum the following information should be obtained and maintained on file.
- a. Date of training
 - b. Name of instructor (affiliation, if not an agency employee)
 - c. Lesson plan or brief outline of subject matter covered
 - d. Name and signature of all in attendance

Chapter Three

Hazard Identification and Reporting Program

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

Responsibilities:

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

Documentation:

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

Hazard Reporting:

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

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

5. Any employee may anonymously submit the report to the agency safety officer. All such reports will be handled in the same expeditious manner and appropriate feedback provided to all employees when corrective action has been taken.

Safety Suggestions:

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

Chapter Four

Accident/Incident Investigation, Reporting, and Analysis

One of the best ways to prevent accidents is to investigate the causes of the accidents/incidents that do occur. A prompt, thorough investigation of any incident, regardless of severity, including "near-misses", is an important part of any good safety program.

Safety investigations should be fact-finding and not faultfinding. The intent is not to determine whether a crime has been committed or to blame someone for the accident/incident. Rather the focus should be on finding out what happened, why it happened, and how we can prevent another similar accident from happening. What is learned from the investigation helps identify and correct problems, contributing to a safe and healthy workplace. Investigations should be conducted involving the following circumstances:

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

Responsibilities:

1. The supervisor will normally be the first person notified of an accident or incident. As soon as possible after an accident, which results in injury to an employee or damage to property, the supervisor will take immediate action as appropriate to prevent any further injury to an employee or damage to property and will see that first aid is rendered as appropriate, and/or emergency assistance requested. As

soon as practical, the supervisor will notify the agency safety officer who will assist the supervisor in conducting an investigation to include preparation of an accident report form.

2. The agency safety officer will ensure the proper and timely notification of agency accidents/incidents. The safety officer will also guide and advise supervisors in the investigation and reporting process.
3. All accidents which result in employee injury will also be reported to the agency claims coordinator who will complete the Employer's First Report of Injury or Illness (TWCC-1S) according to applicable rules and instructions contained in the Claims Coordinator Handbook, published by the State Office of Risk Management.

Documentation and procedures:

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

Chapter Five

Drug & Alcohol Free Workplace Program

General:

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

Procedures:

Each employee shall be provided a written copy of the Drug Free Workplace Policy.

New employees will be provided a copy of the policy on the first day of employment.

The agency will provide a copy of the Drug Free Policy and Program to the State Risk Management Division.

Policy:

1. The purpose of this policy is to help ensure a safe and productive work environment by establishing a drug free workplace and to educate our employees about the dangers of drug and alcohol abuse. This policy applies to all employees of Texas State Soil & Water Conservation Board without exception.
2. This policy includes controlled substances, alcoholic beverages, illegal drugs, inhalants, and prescription drugs. Unlawful drug related conduct is prohibited in the workplace. Unlawful conduct includes the manufacturing, distribution, dispensing, possession or use of a controlled substance on the premises of Headquarters and Regional Office locations of the Texas State Soil & Water Conservation Board and any other establishment where agency business is conducted.
3. It is a violation of this policy to consume alcohol at any time on agency property or any establishment where agency business is conducted, to be intoxicated on the job, to intentionally misuse or inhale a substance of any kind, or to take prescription drugs not prescribed for the employee. Employees who must take prescribed medicine on the job must inform their supervisor if the drug may inhibit or impair work performance in any manner.
4. As a condition of employment, all employees must abide by this policy. Disciplinary action up to and including discharge will be taken against any employee who violates this policy.

Assistance Program:

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

Chapter Six

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

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

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

Procedures:

Upon hearing an alarm, immediately:

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

Evacuation-Route Diagram:

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

Fire Evacuation Route

Office Identification

Zone A (Yellow)

**3 Nonpoint Source Project Managers
Nonpoint Source Project Management Coordinator
GPS Specialist
2 Public Affairs Specialist
Information Specialist
Special Projects Coordinator
Engineer
Human Resources Coordinator
2 Association Office**

Zone B (Green)

**Administrative Assistant
Information Specialist
Statewide Programs Officer
NPS Programs Coordinator**

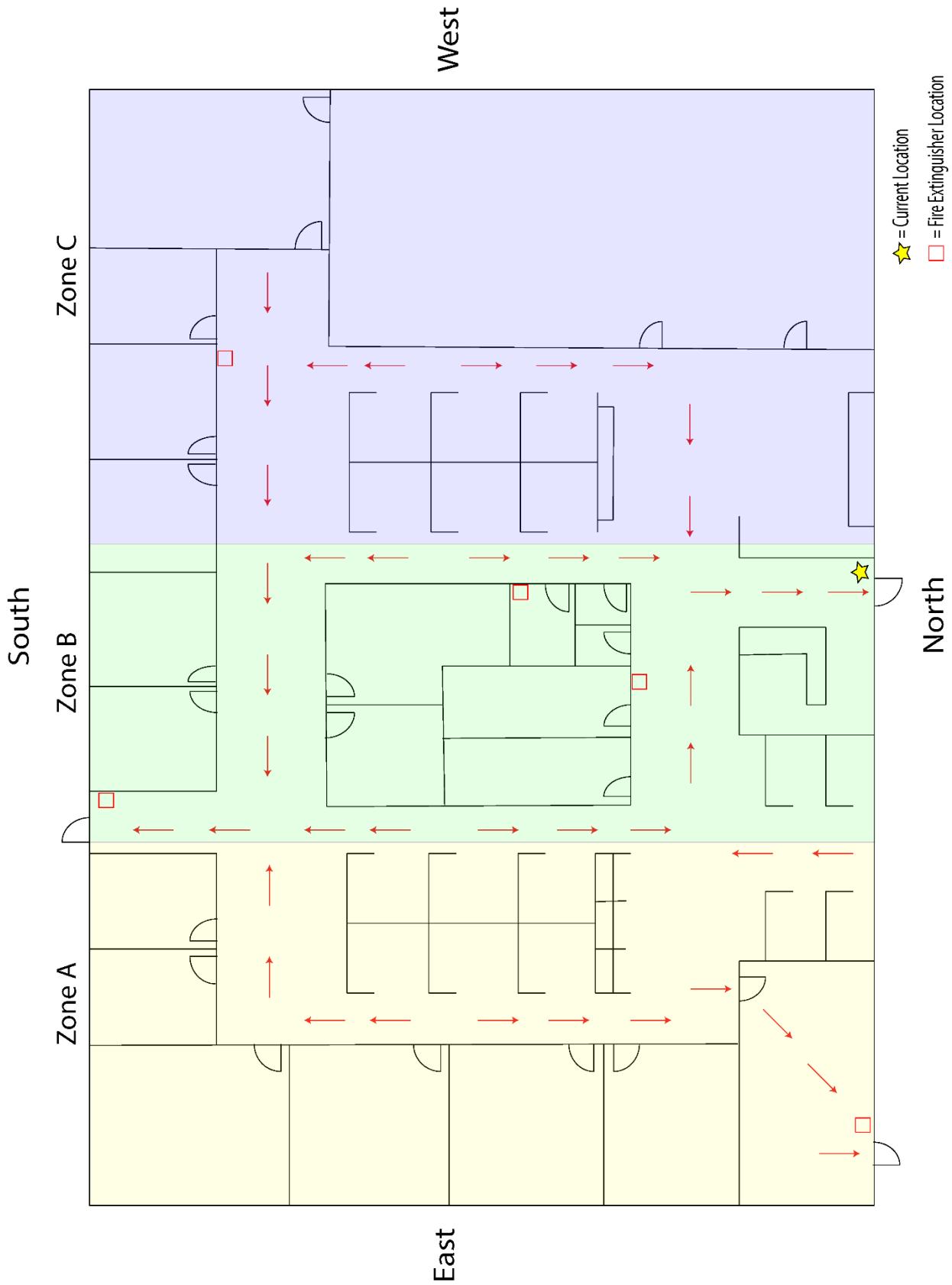
Zone C (Blue)

**Executive Director
Fiscal Officer (Risk Manager)
3 Accountants
Fiscal Services
Contract Specialist
Administrative Coordinator
Regional Office Coordinator**

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

FIRE

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



Chapter Seven

Traffic Safety

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

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

The following practices are adopted by the agency:

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

- Do not transport non-agency personnel unless authorized to do so and in the course and scope of agency business.

Chapter Eight

Texas Hazard Communication Act

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

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

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

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

SAFETY AND HEALTH PROGRAM MANUAL

Safety Officer Appointment

Date: January 3, 2017
To: All Texas State Soil & Water Conservation Board Employees
From: Rex Isom, Executive Director
Subject: Appointment of Safety Officer

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

Dawn Heitman

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

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

SAFETY AND HEALTH PROGRAM MANUAL

Additional Duty Safety Officer Appointments

Date: January 3, 2017
To: All Texas State Soil & Water Conservation Board Employees
From: Rex Isom, Executive Director
Subject: Appointments of Additional Duty Safety Officers

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

Hale Center Regional Office	Marilyn Koelder
San Angelo Regional Office	Pam Blanton
Wharton Regional Office	Carrie Sanford
Harlingen Regional Office	Ronnie Ramirez
Mt. Pleasant Regional Office	Beverly Krause
Dublin Regional Office	Mikel Thomas

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

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

EMPLOYEE SAFETY INFORMATION FORM

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

To: Safety Officer

Description of unsafe condition or practice:

Causes or other contributing factors:

Employee's suggestion for improving safety:

Has this matter been reported to a supervisor? _____

Employee Name (OPTIONAL) _____

Department _____ Date: _____

FOR SAFETY OFFICER USE

Responsibility Assigned To:

Support Provided by:

Target Date for Completion: _____

Date Work Complete: _____

Reporter Notified (Date): _____

SAFETY AND HEALTH PROGRAM MANUAL

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

APPENDIX D

EMPLOYEE GRIEVANCE POLICY

I. Introduction

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

Grievance Procedures

- A. An employee who has a problem to address should first consult their immediate supervisor for resolution. If, however, the supervisor is a party to the issue, the employee should move to the next level of management to seek resolution. This procedure should continue until it reaches the level of department head. If the department head cannot resolve the issue to the mutual satisfaction of the employee and the agency, then the employee should address the issue to the Employee Grievance Committee. This committee consists of five agency employees, including one Human Resources representative. Committee members are trained in the area of employee counseling, mediation, labor law, and problem solving. Each member serves one year, from September 1 through August 31. A list of committee members is posted in the Temple office as well as at all Regional Office locations, and a copy of this list is mailed to all Field Representatives.
- B. The Employee Grievance Committee reviews employee grievances that are presented by TSSWCB employees. (All grievances submitted to the committee must be in written form.) The grievance procedure is treated with strictest confidence, and committee members will contact only parties directly involved with the grievance. After thorough review of the grievance, the committee will act by:
1. Recommending a solution to grievant and other involved parties.
 4. Referring the grievance to the Executive Director for review.
 5. Returning the grievance to the submitting employee and declaring the grievance invalid. (Response to the employee will be in written form, detailing the committee's review process.)

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

APPENDIX E

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

COMPLAINT INVESTIGATION AND RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

How to File a Complaint

You may contact the designated Complaint Coordinator at:

Mel Davis
Texas State Soil and Water Conservation Board
P.O. Box 658
Temple, Texas 76503
Phone: 254.773.2250 ext.252
mdavis@tsswcb.texas.gov

If you need special accommodations pursuant to the Americans With Disability Act (ADA), please contact Dawn Heitman, Human Resource Coordinator at 254.773.2250 ext.227.
--

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

How To File a Complaint:

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

You may contact the designated Complaint Coordinator at:

Mel Davis
Texas State Soil and Water Conservation Board
P.O. Box 658
Temple, Texas 76503
Phone: (254) 773-2250 ext. 252
Fax: (254) 773.3311
mdavis@tsswcb.texas.gov

If you need special accommodations pursuant to the Americans With Disabilities Act (ADA), please contact Dawn Heitman, Human Resources Specialist at 254.773.2250 ext. 227.

APPENDIX F

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

INTEROFFICE MEMO

TO: TSSWCB STAFF
FROM: Dawn Heitman, Human Resource Dept.
DATE: January 3, 2017
SUBJECT: ADA GRIEVANCE PROCEDURES

The State Soil and Water Conservation Board has established the following internal grievance procedures to provide for the prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing title 11 of the Americans with disabilities Act (ADA). Title 11 states, in part, that "(n)o qualified individual with a disability shall, on the basis of services, programs or activities of a public entity, or be subjected to discrimination by any public entity."

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

Dawn Heitman, ADA Coordinator
Texas State Soil and Water Conservation Board
P. O. Box 658
Temple, Texas 76503
(254) 773-2250x227
dheitman@tsswcb.texas.gov

1. A complaint should contain the name and address of the person filing it and a description of the alleged violation of the implementing regulations.
2. A complaint should be filed within 20 working days after the date of the most recent alleged unlawful practice or discriminatory act, or within 20 working days after the date the complainant was notified or became aware of the alleged violation.
3. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by the ADA coordinator. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

4. A written determination as to the validity of the complaint and a description of the resolution if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than 30 working days after its filing.
5. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made to the ADA Coordinator within 10 working days after receipt of the written determination.
6. The ADA Coordinator shall maintain the files and records of the State Soil and Water Conservation Board relating to the complaints filed.
7. The right of a person to prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. The State Soil and Water Conservation Board shall not discriminate or retaliate against any individual who exercises his or her rights granted or protected by the ADA or the implementing regulations, or against any individual who aids or encourages any other individual in the exercise or enjoyment of their rights.
9. A copy of these grievance procedures may be requested in an alternate format by contacting the ADA Coordinator.

APPENDIX G

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

RETURN TO WORK PROGRAM

Program Goals:

The primary goal of the agency return to work program is to assist employees who sustain an injury or illness to safely return to work at the earliest possible time at either full duty or in a modified (modified or alternate duty) assignment. If the employee is unable to perform his or her full, regular duties, the return to work program provides opportunities for the employee to perform a temporary work assignment within functional capacities and job demands that can be safely performed. By allowing this process to take place, the employee remains a productive member of the agency workforce while recuperation and rehabilitation take place.

Program Objectives:

The most important objective of the TSSWCB return to work program are as follows:

- Assist the employee in returning to their normal work environment in an expedient manner.
- Reduce the monetary burden and emotional strain and return the employee to work level as close as possible to pre-injury earnings and productivity.
- Demonstrate the agency's concern and fulfill obligations to the employee.
- Provide reasonable accommodation whenever necessary to enable the employee to perform the essential functions of the job.
- Ensure the employee's return to work is in compliance with all requirements of the Americans with Disabilities Act, Family Medical Leave Act, and the Texas Worker's Compensation Act, as appropriate and necessary.

b. EMPLOYER / EMPLOYEE BENEFITS

By implementing a return to work program, the Texas State Soil and Water Conservation Board is able to realize direct and indirect savings and enhance relations with the Agency's employees. Our employees also benefit from this program because it is designed to return them to the job as soon after illness or injury occurs as possible, so that they may resume their productive place in the workforce. Self-esteem, morale, and personal security are maintained or restored through gainful employment and a productive lifestyle.

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

POLICY STATEMENT: RETURN TO WORK PROGRAM

January 3, 2017

The Texas State Soil and Water Conservation Board recognizes the need for a Return to Work Program as a vital part of its' Risk Management process. This program provides the mechanism for the employee who has suffered injury or illness to return to the workplace as soon as possible. Although primarily designed for the employee who has sustained a job-related injury or illness, the Return to Work Program may also be utilized for those employees returning to work from an off-the-job injury or illness. Information outlined in this program takes into account the requirements of both the American with Disabilities Act and the Family Medical Leave Act as they relate to injured employees.

The Return to Work Program emphasizes joint efforts between our agency as employer and the employee to bring the employee back to the productive workforce as quickly as possible. These efforts have been proven to enhance productivity, reduce employee turnover, and reduce overall employment-related costs.

The following Return to Work Program is in compliance with the requirement stated in the Texas Workers' Compensation Act. It provides appropriate, detailed procedures that identify specific responsibilities and actions assigned to the Return to Work coordinator for this agency, as well as supervisors and other agency employees.

APPENDIX H

EXAS STATE SOIL AND WATER CONSERVATION BOARD WORKERS' COMPENSATION RETURN TO WORK POLICY

General:

In order to meet the mission requirements of the Texas State Soil and Water Conservation Board, it is necessary for every employee to be available for work, ready and capable of performing the duties for which he/she was hired. If an employee is not physically capable of returning to unrestricted duty assignment after an injury or illness, this return to work program provides opportunities, when available, for the employee to participate in a temporary duty assignment based upon restrictions imposed by the treating physician. This program is specifically designed for individuals whose physical, not mental limitation make them incapable of returning to full unrestricted duty. The Return to Work Program is intended to be a temporary solution. Therefore, a temporary duty assignment is limited to three months for a specific injury or illness. If the treating physician's certification does not indicate that it is reasonably probable that an employee will be able to return to full and unrestricted duty within three months, the employee will not be eligible to participate in this program.

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

Employee Participation:

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

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

RETURN TO WORK POLICY, PAGE 2

Prohibited Actions:

No adverse personnel action may be taken:

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

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

Definitions:

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

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

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

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

Temporary Duty:

The supervisor and employee should work together to develop reasonable and necessary temporary duty assignments to meet Texas State Soil and Water Conservation Board business needs, and to assist the employee in returning to work during a period of short-term limitation. A temporary duty assignment can include adjustments to the job itself of the work environment (i.e., temporary change in work hours, location of duty station, or position tasks). Temporary Duty assignments are subject to availability and may vary on a daily basis. No assignments will be created as a means to satisfy the terms of this program.
Return to Work Policy, Page 3

Temporary Duty(cont.):

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

If the supervisor has any questions regarding an employee's ability to perform certain job tasks or functions without injury to his/her physical well-being, he/she must ask the

employee to obtain clarification from the physician before reporting to work. An employee is not to be placed in a temporary assignment, which could result in additional liability to the agency, or a direct threat to the safety of other agency employees or other individuals. Form TSSWCB 010, Request for Employee Medical Status, or a similar form may be used to obtain this information.

Temporary Duty Review:

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

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

- The employee returns to work on regular, unrestricted duty with a full release form from the physician or health care professional.
- The employee transfers to a position for which he/she made application and was selected.
- The employee takes appropriate leave.
- The employee has an approved ADA accommodation.
- The employee resigns for medical reasons.

Assignment of Duties to Other Staff:

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

Return to Work Policy, Page 4

Notification of Human Resources:

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

Documentation:

The employee's supervisor is responsible for ensuring:

- That proper medical certification is obtained, when necessary (from TSSWCB 010 can be used for this purpose); and

- That a copy of all documentation is retained for one year in accordance with procedures established within the Associateship/Region/Hospital.

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

APPENDIX I

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part XVII. Soil and Water Conservation Board

Chapter 518. General Procedures

Subchapter A. Employee Training Rules

§518.1 Policy Statement: Use of state funds. The Texas State Soil and Water Conservation Board may use state funds to provide training and education for its employees in accordance with provisions of the Texas Government Code, §§656.044-656.049.

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

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

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

APPENDIX J
FRAUD POLICY
of the
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
(TSSWCB)

The legislature has adopted the following standards of conduct for state officers and employees:
A state officer or employee should not:

1. Accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct;
2. Accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;
3. Accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;
4. Make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; or
5. Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.¹

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

Currently, the designated contact person is Mel Davis, Special Projects Coordinator
P.O. Box 658
Temple, Texas 76503
254.773.2250
254.773.3311 Fax
mdavis@tsswcb.texas.gov.

¹ A Guide to Ethics Laws For State Officers And Employees, Revised April 27, 2004.

Deterring, Detecting and Investigating Potential or Actual Fraud And Other Illegal Acts

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

The purpose of this policy is:

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX K
SECURITY POLICIES

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

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

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

ACKNOWLEDGMENT

I have received my copy of the Employee Handbook for the Texas State Soil and Water Conservation Board (TSSWCB), which outlines the policies of the State of Texas and the agency and my benefits and responsibilities as an employee. I have read the information in this Employee Handbook, and I understand that the information contained in it does not constitute a contract nor a guarantee of employment. I understand that the information in this Employee Handbook is subject to change, and any changes in the agency's policies may modify, supersede, or eliminate the policies contained in the current Employee Handbook. Employees will be notified of any policy changes through distribution.

I further understand and agree that no representative of the agency, other than the TSSWCB collectively, has the authority to enter into any contract for any specified period of time, or to make any agreement of employment contrary to an employment-at-will basis. Any agreement modifying the employment-at-will status of an employee must be in writing and signed by the employee, management, and Executive Director of the TSSWCB. Absent such a written contract, any employee may leave employment at any time or be terminated at any time, with or without reason, and with or without notice.

Employee's Name (Print)

Employee's Signature

Date: