

# Lower Rio Grande Valley Development Council



# Personnel Policy Manual



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## **1.0 INTRODUCTION**

The Lower Rio Grande Valley Development Council (LRGVDC) serves Cameron, Hidalgo, and Willacy Counties as a political subdivision of, by and for local governments established in 1967 under Texas Local Government Code, Chapter 391.

The LRGVDC's purpose is to plan and coordinate unified development while encouraging cooperation among local units of government in order to advance the region's health, safety, welfare and economic prosperity.

The LRGVDC's general membership includes county and municipal government, institutions of education, special-purpose governmental units, and representatives of grassroots and stakeholder organizations dedicated to unified, regional development of the Lower Rio Grande Valley.

LRGVDC is governed by a twenty-seven (27) member Board of Directors of whom two-thirds are required to be local elected-officials. Program implementation and oversight activities are carried out by professional staff; including an Executive Director defined as the LRGVDC's Chief Executive Officer.

### **1.01 PERSONNEL POLICY MANUAL**

LRGVDC's Personnel Policy Manual and the policies hereby established are to provide rules, guidelines, and standards to professional staff and representatives. The Executive Director, Human Resources, and agency management are responsible for enforcing the provisions of the Personnel Policy Manual. This includes ensuring the policies and procedures are fairly administered and enforced in an equitable manner. The policies are applicable to all employees including the Rio Grande Valley Metropolitan Planning Organization (RGVMPO) and the Rio Grande Valley Emergency Communication District (RGVECD).

The Personnel Policy Manual is not intended to, nor does it in fact, serve as an express of implied contract or promise of continued or future employment with the LRGVDC. Neither this manual nor the policies and procedures set forth in it create contractual rights regarding the status of job descriptions, maintenance of standards, personnel action, or otherwise. This Manual is intended as a guide for management and employees that addresses expectations and objective in connection with the operations of the LRGVDC and management of personnel.

In some cases, a programmatic Department may require a separate set of policies to meet the requirements of a funding agency. For these reasons, in no way can the policies from a

programmatic department supersede the LRGVDC Personnel Policy Manual, rather it can provide specific policies and procedures which reflect the needs of the department.

Human Resources (HR) is designated as the custodian of LRGVDC personnel records and facilitates employee benefit programs. This includes retaining records in accordance with record retention schedule. Each employee shall report to Human Resources within thirty (30) days any change in name, address, telephone number, family status, and others. This will include a driver's license and proof of car insurance. HR shall serve as an employee resource and help guide employees and managers seeking clarification regarding LRGVDC policies and guidelines. The LRGVDC expects its employees to comply with all applicable rules, regulations, and policies relating to these rules and procedures.

Amendments to the Personnel Policy Manual shall be made in the interest of good and efficient business practices, and to comply with changes in federal or state law. The LRGVDC and the Board of Directors has the authority to adopt this Manual, and it retains its authority to amend and modify the Manual whenever necessary to correct and improve the services that the LRGVDC provides to the region.

LRGVDC strives for a workforce of engaged, productive employees with professional, direct and open communication between coworkers and management. As an agency in service to the public interest, professional staff shall endeavor to meet all responsibilities and functions and be of high-value to the region we serve.

## **2.0 EMPLOYMENT CONDITIONS**

### **2.01 EQUAL OPPORTUNITY EMPLOYER**

The LRGVDC is fully committed to creating a diverse, fair, and inclusive work environment, respectful of all persons race, color, sex, age, religion, national origin, genetic information, disability, veteran status, or any other protected status.

For the workplace protection of LRGVDC employees against matters such as discrimination, retaliation, and harassment, it shall be the policy of the LRGVDC to comply with applicable federal and state law

### **2.02 TYPES OF EMPLOYMENT**

#### **A. Full-Time**

- Full-time employees are required to work a minimum of 40 hours in a workweek.
- Shall be paid hourly or salary and may be subject to or exempt from Fair Labor Standards Act (FLSA) provisions depending on classification status.
- Shall receive approved fringe and supplemental benefits such as paid leave time, holidays, etc.
- Within budgetary considerations expected to be a permanent duty position.

#### **B. Part-Time**

- Part-time employees shall work no more than 30 hours in a workweek.
- Shall be paid hourly and subject to FLSA provisions.
- Part-time employees do not receive paid leave time or medical, dental or life insurance.
- Some supplemental benefits may apply, as applicable to state and federal employment law.
- Within budgetary considerations expected to be a permanent duty position, unless defined otherwise.

#### **C. Temporary**

- Temporary employees are utilized for short-term and/or immediate need work assignments. This may include seasonal workloads, short-term assignments and special projects. Temporary employees may be full time or part time as needed and shall not receive fringe benefits such as paid holiday, annual or sick leave.

## **D. Internships**

- The LRGVDC supports internships which provide growth and learning opportunities to students in high school, college, and/or trade/vocational schools.
- Internships shall be temporary, short-term assignments which may be paid or unpaid.

## **E. Volunteers**

- The LRGVDC may accommodate volunteer opportunities, when deemed feasible by HR and/or the Executive Director.
- Volunteers are generally unpaid, temporary, and have short-term assignments.

All categories of employment, whether full or part-time, paid or unpaid, temporary or permanent, are subject to all LRGVDC employment policies and conditions.

## **2.03 EMPLOYMENT VACANCIES**

All employment vacancies shall be filled in a manner to attract and select candidates who best fit position requirements while complying with federal, state, and local laws. Recruitment and selection of employees shall be conducted in a competitive, fair, and transparent manner.

The LRGVDC strives to find the most qualified, well-suited individual based on job description requirements including, but not limited to education, experience, skills, and ability to meet essential functions of the position.

## **2.04 JOB VACANCY POSTING**

Job vacancy postings are published by HR utilizing a variety of recruitment methods such as LRGVDC website, job posting resources, and other methods, as applicable.

## **2.05 EMPLOYMENT APPLICATIONS**

Applications can be accessed using the LRGVDC website as well as in person at the LRGVDC Main Campus located at 301 W Railroad, Weslaco, Texas. A completed LRGVDC job application with resume must be submitted to:

Lower Rio Grande Valley Development Council (LRGVDC)  
ATTN: Human Resources  
301 West Railroad Street, Weslaco, TX 78596  
Email: [hrdept@lrgvdc.org](mailto:hrdept@lrgvdc.org)



## **2.06 APPLICANT DISQUALIFICATION**

Disqualification from the vacancy consideration includes, but is not limited to the following:

- Incomplete or inaccurate job application packets;
- Does not meet minimum qualifications of position;
- False statements of facts on application or resume;
- Intentional omission of information on application form;
- Committed or attempted a fraudulent act; and/or
- Not legally permitted to hold the position.

## **2.07 NEPOTISM & FRATERNIZATION**

To prevent conflicts of interest, accusations of perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the LRGVDC to practice fair and impartial anti-nepotism and fraternization guidelines. All employees must be qualified for the position they hold and hired through the employment practices defined by LRGVDC policy.

### **2.07.01 NEPOTISM GUIDELINES**

The following policy shall apply to nepotism & fraternization:

- a) Directors of the LRGVDC governing board may not have a family member employed with LRGVDC.
- b) Existing employees in good standing whose family member assumes a director position with the LRGVDC governing board of directors may be “grandfathered” to remain employed with the LRGVDC at current employment status if no direct conflict exists and they have been employed in good standing for at least one (1) year.
- c) Directors and Supervisors of LRGVDC Administrative Department (including the Executive Director) may not have a family member work for LRGVDC or be married to or engaged in an intimate, romantic, or dating relationship with any LRGVDC employee. The Executive Director, Assistant Executive Director, and Human Resources Director or any administrative leader involved in employee relation functions may not be married or engaged in a relationship with anyone in the LRGVDC. In the event this occurs, the employee must recuse themselves of the situation and withdraw influence or direction.

- d) Department Directors and program supervisors may not have a family member work within the department they supervise or be married to or engaged in an intimate, romantic, or dating relationship with an employee of that department.

## **2.07.02          RELATIONSHIP DISCLOSURE**

All relationships identified above or suspect in violation of anti-nepotism and fraternization policy should be disclosed to HR immediately upon creation or knowledge of the relationship for further guidance and resolution.

Fraternization between employees with security and information sensitive, and/or administrative functional positions, such as human resources, finance, procurement, information resources, risk management etc. may be subject to fraternization guidelines and should be disclosed.

All disclosures will be handled confidentially and ethically to find remedies in the best interest of LRGVDC. However, failure to disclose promptly and accurately may result in disciplinary action up to and including termination.

## **2.07.03          FAMILY MEMBERS** (shall be defined as any of the following for Nepotism):

Blood Family Member (*Consanguinity*): child, mother, father, brother, sister, half-brother, half-sister, grandchild, grandparent, uncle, aunt, nephew, niece, first-cousin, great-grandparent, and great-grandchild.

Family Member through Marriage (*Affinity*): spouse, mother-in-law, father-in-law, step-child, step-mother, step-father, step-brother, step-sister, brother-in-law, sister-in-law, step-grandchild, step-grandparent, step-uncle, step-aunt, step-nephew, step-niece, step-first-cousin, step-great grandparent, and step-great grandchild.

## **2.08      PRE-EMPLOYMENT VALIDATION**

Background checks will be applied to candidates or applicants regardless of status or type of employment, relating to security and safety sensitive as designated by Executive Director or Human Resources designee. These checks review criminal history to bring a level of protection to the LRGVDC and to all program participants. Factors to be considered, but not limited to, include:

- Seriousness of the offense;
- When it occurred;

- Remoteness or extenuating circumstances of the offense; and
- Duties of the applicable job description.

Criminal background checks may not be used to discriminate against an individual because of the person's race, color, sex, age, religion, national origin, genetic information, disability, veteran status, or any other protected status.

Drug and alcohol testing will be performed as part of pre-employment validation in accordance with staff who are considered safety sensitive. These employees are federally, state, or locally required to submit to this type of testing depending on the type of position.

Other forms of testing may be conducted throughout the pre-employment process as requested by the department and/or the Executive Director. These assessments may include, but not limited to the operation of equipment, writing samples, and others as related to job specific tasks.

## **2.09 INTERVIEW & SELECTION PROCESS**

Completed applications received by posting deadline shall be reviewed for completion, accuracy, and skills relevant to the job posting by HR. Resumes, references, and any other applicable information will also be reviewed and validated.

- HR Staff will submit the highest qualifying applications from the applicant pool to the respective department to schedule candidates for interviews.
- Interviews are performed by the respective departments and supervisors responsible for the position to be filled. HR staff members may participate during the interview process.
- Interview questions shall be based on topics such as professional character, skills, interpersonal abilities, communication, as well as general job knowledge.
- Following interviews, department staff will make selection recommendations along with justifying documentation to HR staff to proceed.

## **2.10 CONDITIONAL OFFERS**

- Following the Executive Director (or HR designee) approval to proceed, prospective employees will receive a conditional offer over the phone, through a letter, or both.
- Conditional offers shall review salary considerations, additional pre-employment testing/screening, and hire date range.
- The Human Resource department will coordinate any required pre-employment testing/screening after a conditional offer of employment.
- Once an applicant has completed all pre-employment testing/screening requirements, HR will establish an employment start date.

## **2.11 VERIFICATION OF ELIGIBILITY TO WORK**

In order to comply with the Immigration Reform and Control Act of 1986, all new employees must complete and sign section one of the Federal Form I-9 at the time of hire within s of his or her first day of employment to provide proof of his or her identity and employment eligibility. The LRGVDC also provides employees with a Spanish version of Form I-9, upon request, for translation purposes only; however, all employees must fill out the English version of Form I-9.

As a recipient of federal grant funding, the LRGVDC is required to participate in E-Verify, which works with the FORM I-9 information to confirm the authorization of working in the U.S.

## **2.12 JOB DESCRIPTIONS**

Functional job descriptions are developed for each permanent position in alignment with the State of Texas' Position Classification Plan. Job descriptions outline the general duties and responsibilities of each position, define the levels of responsibility, summarize minimum requirements, and may provide examples of work performed.

Each job description shall identify the appropriate position classification consistent with pay scale, level of responsibility, and work performed.

## **2.13 JOB ACCOMODATIONS**

The LRGVDC is committed to complying fully with the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act (ADAAA) and ensuring equal opportunity in employment for qualified individuals with disabilities. The LRGVDC does not discriminate against qualified individuals with disabilities (as defined in the Act) who are able to perform the essential functions of a job, with or without reasonable accommodations.

Requests for reasonable accommodations should be directed to HR with the proper medical documentation which may include a medical certification, stating why the individual believes the accommodation is necessary, the expected duration of the requested accommodation, and what reasonable accommodation is sought. Requests for accommodations will be available to prospective employees as an applicant who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position. The accommodation must provide reasonable accommodations to qualified employees or applicants with disabilities, unless such an accommodation would be an undue hardship. Any accommodation and availability of alternate accommodations are factors in determining if an accommodation would be an undue hardship. The accommodation request can be made following the acceptance of a formal job offer.



## **2.14 OUTSIDE EMPLOYMENT**

Employees shall not engage in outside employment or business activities which may constitute an actual or perceived conflict of interest, may adversely affect the employees job performance, may impair employee's independent judgment, and/or unfavorably reflects upon the LRGVDC.

Outside employment is subject to written approval by the Executive Director (or HR designee) and the Department Director. The LRGVDC shall be the primary employer with the exception of temporary and part-time employees.

## **2.15 NEW EMPLOYEE ORIENTATION**

All new employees shall attend "New Employee Welcome and Orientation" during the first day of employment. During this process, new employees shall review and discuss materials such as job description, performance expectations, work rules and establish documentation required for payroll, benefits, emergency contacts, federal withholdings, and others.

Additionally, employees will review supplemental materials regarding topics such as sexual harassment, ethics, and others as deemed appropriate.

## **2.16 PROBATIONARY EMPLOYMENT PERIOD**

All newly-hired employees will be subject to a probationary employment period of one hundred and eighty (180) calendar days from employment start date. The probationary employment period will be utilized as a framework for coaching, training, and transition to the performance expectations of the LRGVDC and their new position. This policy shall be applicable to employees receiving a promotion and are subject to probationary review of a 6-month period.

During the probationary employment period, the supervisor shall provide routine coaching and feedback to evaluate and assess the employee's ability to perform duties in a satisfactory manner, adherence to LRGVDC policies, and to ensure the employee has the professional and interpersonal skill-set required.

Employees within the probationary employment period shall accrue applicable leave categories; however, newly-hired employees shall not be eligible to take annual paid leave within the first one hundred and eighty (180) calendar day period. Exceptions to this guideline must be approved in advance by the Executive Director.

Employees within the probationary employment period are eligible to take sick leave within policy guidelines. All leave without pay requests must be approved by the Executive Director (or HR designee). Accrued, unused annual or sick leave will not be paid to newly-hired employees separated prior to completion of probationary employment period.

The probationary employment period may not extend beyond one hundred and eighty (180) calendar days, and each employee shall receive a performance evaluation at the approximate conclusion of the one hundred and eighty (180) calendar day probationary employment period.

Should the employee not meet standards set for the position and LRGVDC, the employee may be dismissed at any point during the probationary employment period. Supervisors must obtain approval from the Executive Director (or HR designee) for all dismissals.

### **3.0 STANDARDS & RESPONSIBILITIES**

#### **3.01 CODE OF ETHICS**

It is the policy of the LRGVDC to uphold, promote, and demand the highest standards of ethics while maintaining the utmost conduct of professionalism, personal integrity, truthfulness, honesty, and fairness.

As servants of public interest, the following code of ethics and professionalism policy shall apply to all representatives of LRGVDC. Representatives of LRGVDC are defined as LRGVDC's governing general membership, board of directors, employees, interns, volunteers, guests, providers, and advisory representatives.

Compliance with the provisions of this code shall not excuse or relieve any representative from any obligation imposed by state or federal law regarding ethics, financial reporting, lobbying, and/or other issue and activity.

The LRGVDC Code of Ethics and Conduct policy is available on the LRGVDC website, at the end of this Policy Manual, and in Human Resources.

#### **3.02 ETHICAL CONDUCT GUIDELINES**

The following guidelines serve as standards of ethical conduct. Individuals or parties, deliberately or unintentionally, in violation of guidelines may be subject to disciplinary action, up to, and including involuntary separation from employment, contractual agreements, debarment of official capacity, and/or civil or criminal penalty.

Infractions, reporting of suspect activity, and/or guidance on any of the following or similar ethical dilemmas should be promptly reported to the Executive Director and/or HR for comprehensive, fair, and impartial investigation.

##### **3.02.01 CONFLICTS OF INTEREST**

LRGVDC Employees and Representatives shall disclose and appropriately manage any actual, or perceived conflicts of interest in which personal considerations may affect or have the appearance of violating LRGVDC's Code of Ethics.

##### **3.02.02 FRAUD, WASTE, OR ABUSE**

LRGVDC Employees and Representatives shall operate in business practices consistent with the detection and prevention of fraud, forgery, misappropriations, document tampering, waste, abuse of materials and authority, and other business irregularities. Additionally, LRGVDC Employees and Representatives shall not use his or her official authority or influence to interfere with or affect projects or programs of LRGVDC.

Acts constituting fraud include:

- Forgery or alteration of any documentation or account belonging to the LRGVDC;
- Misappropriation of funds, securities, supplies or other assets;
- Disclosing confidential and proprietary information to outside agencies;
- Accepting or seeking anything of value from contractors, vendors, or persons providing services/materials to the LRGVDC in return for a referral of business;
- Unauthorized destruction, removal, or personal use of records, furniture, fixtures, equipment and fuel belonging to the LRGVDC;

All allegations of fraudulent activity will be investigated. If it is determined that any employee engaged in fraudulent activity, the employee may be subject to corrective action and referral may be made to an appropriate law enforcement agency.

Employees who suspect fraud shall immediately report their suspicions to their supervisor for appropriate action. Immediately means as soon as the employee has the means to contact their supervisor, but shall be no longer than twenty-four hours after the employee becomes aware of the suspected fraud. As an alternative, employees can go outside their normal chain of command and report suspected fraud directly to their department director, human resources, the Assistant Executive Director, or the Executive Director.

### **3.02.03            PERSONAL FINANCIAL INTEREST**

LRGVDC Employees and Representatives (other than approved contractual providers) shall not have personal financial interests in the profits of any contract, service, or other work performed for the LRGVDC nor derive personal profit directly or indirectly from any contract, purchase, sale, or service between the LRGVDC and any person or company. This provision includes solicitations, outside employment, compensation, and/or private stake investments.

### **3.02.04            DISCLOSURE OF USE OF CONFIDENTIAL INFORMATION**

LRGVDC Employees and Representatives shall not disclose confidential or sensitive information, materials or activities to individuals who have no business-related need for information.



Procedures such as sealed document couriering, paper shredding, discretionary printing/copying, etc. should be implemented, when applicable.

### **3.02.05 DATA SYSTEMS**

LRGVDC Employees and Representatives granted access to computer and communication equipment shall consider the equipment and information confidential to business needs. Electronic passwords should be uniquely assigned, never shared, and be active during shutdown and/or periods of dormancy. Non-approved hardware, software, and/or streaming content is prohibited. Certain departments and programs may also have specific regulations and requirements, as directed by funding and partner agencies.

More information on the Electronic Communication and Internet Use policy can be found at the end of this document.

### **3.02.06 ACCEPTANCE AND SOLICITATION OF GIFTS**

LRGVDC Employees and Representatives may not solicit or accept any gifts, gratuities, favors, and/or services that may reasonably influence authority, create an actual or perceived conflict of interest, or does not have a direct business-related application.

### **3.02.07 POLITICAL OR LOBBYING ACTIVITY**

LRGVDC Employees are encouraged to vote and to exercise prerogatives of citizenship consistent with federal and state law and these policies; however, in full transparent attempt for equitability to the region, LRGVDC employees shall not:

- be a current elected official or candidate for election to a public office of any jurisdiction of the governing general membership or board of directors;
- use his or her official authority or influence to interfere with or affect the result of an election or nomination for office;
- directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose; or
- use federal or state funds to influence the pass or defeat of any legislative measure in the Texas Legislature on the outcome of any election and subject to the same rules regarding lobbying and other advocacy activities as an employee of any state agency.
- In addition, LRGVDC employees will be subject to the provisions of the federal Hatch Act which prohibits candidacy or elective office in a partisan election and participation in

partisan political activities intended to support the success or failure of a political party, candidate for partisan political office, or partisan political group.

### **3.03 HARASSMENT-FREE WORKPLACE**

The LRGVDC prohibits any type of workplace harassment, discrimination, intimidation or workplace violence and/or any type of retaliation towards the reporting or concerns over such behavior.

This includes conducting, condoning, or perpetuating a broad range of inappropriate and unprofessional behavior, including, but not limited to:

- sexual harassment;
- sexual orientation discrimination;
- hazing or bullying;
- workplace violence;
- retaliatory behavior or actions;
- demeaning, hostile or offensive conduct; or
- any unwarranted and unwanted verbal or nonverbal conduct or contact which threatens, intimidates, pesters, jokes, gossips, humiliates, sabotages, annoys or insults another person, and where such conduct has the purpose of creating an offensive, intimidating, degrading or hostile environment, or interferes with or adversely affects a person's work.

### **3.04 PROHIBITED SUBSTANCES**

LRGVDC prohibits any of the following at any time while on-duty or conducting LRGVDC business or activities, on-or-off premises or in LRGVDC buildings, facilities, vehicles, equipment, or as otherwise directed:

- possession, consumption, distribution, sale, purchase or being under the influence of illegal drugs, alcohol, illegally-obtained or controlled substances; or,
- be under the influence of alcohol, prescription or illegal drugs, over-the-counter drugs, inhalants, or any other product or substance which, when used, may impair the employee's ability to perform his/her job or may adversely affect his/her safety of others.

Tobacco products, including vaping and smokeless electronic cigarettes may be used during approved work breaks in designated areas only.

The LRGVDC recognizes prohibited-substance abuse as a potential health, safety and security matter. Individuals are encouraged to seek support and assistance from available resources.

LRGVDC employees shall be subject to alcohol and/or drug testing should there be reasonable suspicion of impairment or use and following a job-related personal, property or vehicle accident or incident involving apparent violation of a safety rule or standard.

### **3.05 WORKPLACE SAFETY**

The LRGVDC is committed to a safe, secure, and productive work environment for the protection of all employees and guests. Keeping a safe environment is dependent on conscious safety measures, continuous situational awareness, and accountability for unsafe work practices.

Each employee of LRGVDC shall be responsible to perform and observe safety standards relevant to job function. Employees are expected to exercise reasonable care for themselves and others while on duty.

Unsafe conditions, situations, unsafe acts of others, unsafe vehicles/equipment, or potentials threats to safety should be reported immediately. Swift and proper judgment shall be used when reporting unsafe situations, including calling 911.

All work-related or on-the-job accidents and injuries must be reported to your direct supervisor and HR as soon as possible, at least within 24 hours from the time of incident.

### **3.06 ELECTRONIC TECHNOLOGY RESOURCES**

Employees of the LRGVDC communicate across many types of technology resources which require discretion, professionalism, and awareness of potential liability. Employees should understand that at all times, all communication, including what is created, stored, sent or received through LRGVDC's technology resources are the property of LRGVDC.

All communication utilizing LRGVDC technology resources are matters of public record under the Public Information Act, are subject to open-record requests, and will be routinely monitored by management.

LRGVDC's technology communication such as email, internet, cell phone, Wi-Fi network, copy/fax machines, hardware peripherals, and software programs must be limited to business-related use only.

Additional guidelines regarding technology resource activity, include, but are not limited to:

- Technology resources and media shall not be used to access, transmit, receive or archive illegal or sexually explicit material, or material which promotes hate, violence or discrimination of any kind.
- Passwords should be handled as secure information. User ID's and passwords should never be shared with others and employees should never attempt to gain unauthorized access to any computer or communications system.
- Staff must notify their supervisors immediately once a security problem or threat has been identified. This includes suspicious emails, pop-ups, or downloads.
- Playing games and/or visiting gaming or gambling sites are prohibited.
- Person's identifying as LRGVDC employees on a publicly accessible site or social media should avoid posting subject matter likely to impair trust of the public such as public intoxication, illegal activity, slander, defamation, or sensitive information about LRGVDC business, employees or stakeholders.
- Personally-owned communication device usage (such as personal phone calls, online shopping/browsing, and social media) should only be accessed during off-duty time periods or in limited, restricted use. Personal-use shall be considered excessive, if, in the opinion of the employee's supervisor, the use detracts from the individual employee's or department's productivity in any way or deemed inefficient or inappropriate use of resources.

Employees are expected to abide by accepted rules of network etiquette while attending virtual meetings. This includes using proper business appropriate language, including a signature for all email correspondence written at a level generally accepted as proper business etiquette.

### **3.07 DRESS CODE**

Employees are to present a clean, safe, professional appearance at all times that includes hygiene, general appearance, and grooming. Dress code policy shall be reasonable, allowing employees to represent their individuality, while complementing a professional work environment that delivers quality results, excellent customer service and value to the community. Employees shall refrain from wearing attire displaying the COG or departmental logo except when on duty or when representing the COG. Employees are prohibited from wearing COG related attire when in engaging in conduct or activity that discredits or violates the integrity of the COG.

Dress code shall reflect the fact that LRGVDC staff are public service employees and may have interaction with the public, elected-officials, and stakeholders at any given time. It is the responsibility of each employee to maintain professional dress and plan accordingly. Employees should seek the input of their supervisor or HR with any questions. In the event an employee is



non-compliant with the dress and grooming standards of the LRGVDC, staff may be sent home. Under such circumstances, non-exempt employees will not be paid for the work time missed. Corrective action may be appropriate following a failure to comply with dress code policy.

The Executive Director may allow for casual dress on Friday's unless there is a scheduled meeting which requires business professional dress. Casual dress code includes jeans, however, all other rules are applicable including grooming and general appearance.

Department directors will determine which positions are required to wear uniforms and establish uniform standards for each position. Employees are expected to comply with the uniform standards as established by the department.

### **3.07.01        ATTIRE GUIDELINES**

Work attire shall be classified as "Business Formal to Business Casual," conditional upon scheduled meetings, events, public presentations, outdoor assignments, etc. Attire shall always be clean, neat and free from rips or overly worn-out areas. Attire fit should be professional; fit should not be inappropriately short, long, loose, tight or low/high cut. No overly revealing or distracting attire will be allowed while on duty.

In addition to attire appearance, employees should also regard appropriate safety standards of dress. Footwear should be suitable and safe; no overly casual or excessive heel height. Employees should also carry LRGVDC-issued employee identification badges for proper identification.

### **3.07.02        GROOMING GUIDELINES**

Consistent with a professional work place, every employee is expected to practice daily hygiene and good grooming habits. Grooming and appearance such as hair, make-up, fragrance, tattoos, or other accessories shall be clean, conventional and appropriate to our professional work environment.

### **3.07.03        DRESS CODE ENFORCEMENT**

Although it is impossible and undesirable to establish an absolute dress and appearance code, the LRGVDC will apply a reasonable and professional workplace standard to employees fairly, evenly, and to the greatest extent possible, consistently across all departments. Management may make exceptions for distinctive work duties, occasions or weather conditions; at which time employees shall be notified in advance.

Management shall consider reasonable accommodations for dress or grooming directly related to employees' religion, ethnicity, or disabilities; and specify any additional or alternate requirements that are necessary to maintain public health and employees' safety. Employees should request accommodations, in writing, directly to their manager or a human resource representative.

Dress code violations deemed inconsistent as outlined may be cause for corrective action such as requiring the employee to leave the work area (without pay) and make the necessary changes to comply with the policy. Repeated violations of the dress and grooming policy shall result in appropriate disciplinary action, according to LRGVDC.

### **3.08 WORK STATIONS**

As with personal appearance, employees shall also maintain a reasonably clean, safe, and professional work station and area. Employees shall not have a reasonable expectation of privacy with respect to items related to their work; such as passwords, combinations, desk drawers, file cabinets, work areas, fleet-vehicles, and and/or lockers.

Employees should limit the number of personal belongings that are brought, displayed or carried on premises and the employee retains the responsibility and liability for any personal belongings brought to the workplace that are lost, stolen, or damaged. Only professionally appropriate subject matter shall be displayed in work duty areas and stations.

The LRGVDC reserves the right to conduct routine monitoring and searches for the purposes of work and safety compliance with reasonable suspicion of any work-related misconduct. Any inspections or work station searches should be approved and facilitated by the Executive Director (or HR designee) unless an immediate work safety issue prevents prior approval.

### **3.09 WHISTLEBLOWER ACT**

The COG complies with the Texas Whistleblowers Act which states “a state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of the law by the employing governmental entity or another public employee to an appropriate law enforcement authority.” Texas Government Code Ann. §554.002

### **3.10 ATTENDANCE**

The COG maintains a productive work environment in which employees are expected to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the organization and on co-workers.

Employees are expected to notify their supervisor with as much notice as possible in advance of the anticipated tardiness, based on departmental procedures. For absences, an employee shall notify the supervisor with notice of more than a day, unless for extenuating reasons.

## **4.0 PERFORMANCE MANAGEMENT**

The LRGVDC has many expectations and requirements of productivity, performance, and public service to stakeholders and the community. Each LRGVDC employee is a vital and valuable member towards the contribution and achievement of LRGVDC's purpose and function.

To achieve continuous performance improvement and accurately measure and coach for optimal outcomes and accountability, the LRGVDC shall incorporate performance management coaching, commendation, feedback, appraisal, and when necessary, disciplinary action. Employees of LRGVDC serve at will and, within provisions of federal and state law regarding public employment, may be dismissed at any time, with or without notice, for any or no reason.

### **4.01 PERFORMANCE IMPROVEMENT**

It shall be LRGVDC policy to administer all employee performance improvement activity in a fair, reasonable and impartial manner, exploring all relative facts and conditions of each situation.

Supervisors shall employ a progressive, systematic method intended to train, improve and measure performance while holding all employees and departments accountable to the highest standards of quality outcomes and conduct.

Following an impartial analysis of each performance set of circumstances, the LRGVDC Executive Director and/or supervisory designee may take appropriate personnel action, including dismissal, towards an employee when deemed appropriate. The degree of each personnel action implemented shall correlate to the nature, duration, and/or frequency of infractions.

### **4.02 COACHING & FEEDBACK**

Coaching & feedback shall be an ongoing and periodic process towards improving, supporting and acknowledging exceptional performance, opportunities for improvement, or areas of concern.

Each employee shall be provided the necessary training, feedback and coaching by supervisors in order to:

- ensure adequate and necessary communication between supervisor and employee;
- continually define job expectations, delegation of work duties and performance strategies;
- encourage employee growth, development and engagement;
- acknowledge, commend, and reinforce exceptional work; and
- promote fair, consistent treatment of all employees.

Coaching and feedback may be formal or informal, in-person or by other means on a periodic basis, or as needed to best maximize resources and ensure the highest performance standards.

Coaching sessions may be conducted with the employee in writing or through in-person conversation/meetings. Substantial coaching should be documented within a reasonable time frame and shared or acknowledged by employees.

#### **4.03 CORRECTIVE GUIDANCE**

Following inadequate response to coaching and feedback or should the behavior, incident and/or results warrant formal personnel action, a documented meeting with corrective guidance should be implemented.

- With consultation from HR, an analysis gathering of the facts and conditions should occur.
- Corrective guidance should be formally documented within an appropriate time frame of incident or concern and shall be acknowledged by the employee through an in-person meeting.
- Corrective guidance documentation shall be submitted to HR as part of the employee's personnel file.

#### **4.04 DISCIPLINARY ACTION (Suspension, Demotion and/or Dismissal)**

Should an act of unacceptable conduct, unsatisfactory continuous job performance, and/or failure to comply with work rules and procedures continue, supervisors may implement one or more disciplinary actions including suspension (with or without pay), demotion (temporary or permanent) and/or involuntary dismissal from LRGVDC employment.

- With consultation from HR, an analysis and inclusive investigation of the facts and conditions should occur.

- Disciplinary action should be formally documented within an appropriate time frame of the incident or concern and shall be acknowledged by the employee through an in-person meeting, unless otherwise deemed unfeasible.
- Disciplinary action documentation shall be submitted to HR as part of the employee's personnel file.
- Suspended employees due to work performance issues shall be subject to a completion of a Performance Improvement Plan.
- Demoted employees due to disciplinary action shall be subject to completion of a 180-day probationary employment period.
- Supervisors must obtain approval from the Executive Director (or HR designee) for all disciplinary action actions; suspensions, demotions, and dismissals.

#### **4.05 DISCIPLINARY GUIDELINES**

Employees job performance and personal conduct (on-duty and off-duty but affecting duty status) is expected to align with LRGVDC standards of conduct and performance management principles.

A supervisor, a department head, or the Executive Director as appropriate, may impose such discipline as is warranted under the circumstances of any particular case.

##### **4.06.01 GROUNDS FOR DISCIPLINE**

Grounds for discipline include, but are not limited to, the following types of misconduct:

##### **A. Job Duty Related Conduct such as:**

- Excessive tardiness;
- Excessive absenteeism;
- Unauthorized absence;
- Failure or inability to perform the duties of a job assignment;
- Disobedience of lawful orders;
- Neglect of or disregard of duties; or
- Failure to comply with any one or more of the LRGVDC's policies, procedures, or directives set by management and/or supervisory personnel.

##### **B. Social incompatibility conduct at work such as;**

- Insubordination or disrespectful conduct to a supervisor;
- Confrontational or disrespectful conduct towards a co-worker or other employee;
- Gossip that disrupts the work environment; or
- Substance abuse, including alcohol;

C. Criminal conduct, whether on or off duty, such as:

- Any misdemeanor complaint or indictment;
- Any felony indictment;
- Any misdemeanor deferred adjudication or conviction;
- Any felony deferred adjudication or conviction;
- Any conduct on duty that could constitute criminal misconduct if chargeable by prosecuting authorities, including falsification of records, acceptance of bribes, improper use of LRGVDC property, and so forth; or
- Certain conduct off duty that could constitute criminal misconduct if chargeable by prosecuting authorities and which could bear a negative public perception about the qualifications of that employee to serve the LRGVDC.

D. Any other conduct, either in connection with LRGVDC business or of such a public nature that it adversely reflects on the LRGVDC or the employee's ability to function satisfactorily as a LRGVDC employee.

#### **4.06 PERFORMANCE IMPROVEMENT PLANS (PIP)**

Performance Improvement Plan's (PIPs) are designed to facilitate and document constructive communication between an employee and supervisor. The purpose of PIP is to outline a plan of action with measurable steps and set a timetable to improve and/or learn elements of job duties and work expectations. PIPs may be implemented at the discretion of management at any time; however, will be required of suspended employees requiring improvement in work performance.

#### **4.07 PERFORMANCE EVALUATIONS**

LRGVDC's employee performance evaluations serve to assess, acknowledge and formally document performance outcomes, notable proficiencies, professionalism standards, and development strategies. The performance evaluation shall also address any unmet objectives or areas requiring improvement.

The employee performance evaluation shall summarize and account for the cumulative sum of the reporting period's outcomes and measures.

Each employee performance evaluation should include a one-on-one feedback session between employee and supervisor to review and discuss the performance ratings.

Each LRGVDC employee shall strive to receive a performance evaluation at the approximate conclusion of the one-hundred and eighty (180) calendar day probationary employment period and

annually, thereafter. Performance evaluations shall be acknowledged by employee and supervisors and submitted to HR as part of employee's personnel file.

#### **4.08 PERFORMANCE DEVELOPMENT PLANS (PDP)**

Performance Development Plan's (PDPs) shall be implemented (generally during performance evaluations) to document and outline employee development strategies, suggested training programs, or recommendations for future growth. PDP's are non-disciplinary and should be utilized to formally account for an employee's development activities.

#### **4.09 COMPLAINTS & APPEALS**

The LRGVDC endeavors to provide appropriate opportunities and resources for employees should they encounter disagreement, conflict, or concerns with other employees or supervisors.

Individuals who believe they have been subjected to conduct prohibited by policy, believe they have witnessed such conduct, or have issues of concern, should discuss their concerns with their immediate supervisor, and/or HR. If the offender is a direct supervisor, the employee should notify HR or the Executive Director immediately.

Employee complaints or concerns should always be addressed individually, professionally, promptly, and initiated at the lowest supervisory level, when applicable. All complaints shall be submitted in good faith and violations of this guideline may be subject to disciplinary action.

##### **4.09.01 FORMAL COMPLAINTS**

If an unresolved matter warrants a formal complaint or appeal of a personnel or administrative action, employees must submit the complaint in writing, **no later than 10 calendar days** from the date of the occurrence or challenged action directly to HR or the Executive Director.

Depending on the circumstances surrounding the grievance, a suitable, unbiased, and fair investigation of the facts and conditions shall be conducted, if applicable.

Following the investigation and evaluation for feasible resolutions, an official written response shall be provided back to the complainant **no later than 30 calendar days** following the date the written complaint was received. Should additional be warranted, notice shall be provided to the complainant regarding possible conclusion date.

Any appeal of the written response must be filed in writing **no later than 5 calendar days** from the date of the official written response. The written appeal request shall be submitted to HR, the

Executive Director, or the presiding officer of the governing body if the Executive Director is the subject of the formal complaint.

Appeals shall be handled as comprehensively as deemed feasible and any final actions, determinations or responses shall be submitted in writing **no later than 30 calendar days** following the date the written appeal was received. The determination by HR, or the Executive Director shall be final.



## **5.0 COMPENSATION & CLASSIFICATION**

As the LRGVDC expects the highest standards of employee professionalism, performance and standards, LRGVDC aims to provide a competitive compensation package. An employee's wage determination is set by several factors including an individual's position, duties, and responsibilities, as well as their qualifications, work history, performance tenure, experience, skills, and education.

It shall be the policy of LRGVDC to ensure fairness and equitability by maintaining wage standards consistent with job duty qualifications applicable to federal and state law. All wages, pay increases, adjustments, and fringe benefit rate schedule are subject to adoption and approval by LRGVDC governing body as part of the annual budgeting process.

### **5.01 SALARY CLASSIFICATIONS**

Each fiscal year, LRGVDC shall publish a salary schedule identifying and specifying salaries for each position classification consistent with duties and responsibilities. The salary schedule adopted by LRGVDC may not exceed the state salary schedule for classified positions as prescribed by the General Appropriations Act adopted by the most recent legislature. Salary schedule shall be submitted to State Auditor's office or others, as directed no later than the 45th day before the date of the beginning of the LRGVDC's fiscal year, or as determined by state legislature.

Periodically, a comprehensive labor market salary analysis may be conducted for hard-to-fill or critical operations positions. Analysis shall be conducted within comparable areas to ensure fair and competitive salary standards are established for well-qualified applicants and employees. As with any personnel classification action and salary adjustments, appropriate justification must be completed in writing or through official LRGVDC personnel action forms and approved by the Executive Director (or HR designee).

### **5.02 ANNUAL COMPENSATION PLAN**

In accordance with LRGVDC's annual budgeting and employee performance review process, and subject to the availability of adequate funds, the Executive Director shall recommend to the LRGVDC's governing body, the adoption of a compensation plan for each fiscal year.

The annual compensation plan shall set forth principles for pay increase considerations determinate of employee performance and suitable to the level and type of work performed as identified by his or her position classification.

Fundamentally, the plan guidelines shall reflect the employee performance review process to ensure that employees who demonstrate acceptable performance and professional standards are recognized and reflected through appropriate and available compensation.

Additional factors may be implemented as part of the annual compensation plan to include, but not limited to:

- cost-of-living adjustments (COLA);
- longevity;
- interim-assignment pay; or
- performance-based merit salary adjustment for outstanding performance.

Employees who are currently receiving, or have received corrective guidance, disciplinary action, performance improvement plans, or below acceptable annual performance evaluation results may not be subject to compensation increases, as outlined in the annual compensation plan.

### **5.03 PAYDAY STANDARDS**

It shall be the policy of the LRGVDC to establish pay periods and dates (such as bi-weekly, bi-monthly, monthly, etc.) to most effectively manage resources, time reporting periods, and annual calendar in a manner so that the methods and timing comply with adopted annual budget and applicable laws and regulations.

LRGVDC employees shall be paid for work hours utilizing direct deposit, employee-issued paycheck, or by other means as determined by payroll resources and administrative policies. Changes or updates to direct deposit account information or requests for employee-issued paychecks must be submitted through finance payroll division.

### **5.04 PAYROLL DEDUCTIONS**

In accordance with applicable laws and regulations, federal, state, court-ordered, or other legally-determined deductions are calculated into pay checks. Payroll deductions shall also reflect any fringe, supplemental, or employee-elected optional deductions such as health, dental, or life insurance premiums; Medicare; voluntary withholdings, or contributions to a retirement plan.

It shall be the responsibility of each employee to review their payroll statement for accuracy and details. Employees who may have been overpaid, underpaid, or inaccurately compensated, due to error or any other reason, must notify finance payroll division immediately.

Additionally, any changes to an employee's family status, address, or other factor affecting his or her wage or benefits withholdings, should contact HR or finance payroll division for appropriate revisions to the employee's payroll and personnel information.

## **5.05 NON-EXEMPT/EXEMPT FLSA STATUS**

It shall be the policy of the LRGVDC to comply with the Fair Labor Standards Act (FLSA) which establishes regulations such as minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments.

### **5.05.01 NON-EXEMPT EMPLOYEE GUIDELINES**

Non-exempt status employees are those individuals entitled to comply with the regulations set forth by FLSA, to include:

- rate of hourly pay must not be less than federally or state-mandated minimum wage
- overtime pay at a rate not less than one and one-half times the regular rate of pay is required after 40 hours of work in a workweek. All overtime work must be approved in advance.

### **5.05.02 EXEMPT EMPLOYEE GUIDELINES**

Exempt status employee are those individuals exempt from minimum wage and overtime pay provisions set forth by FLSA. Additionally, the following guidelines apply:

- employees shall be paid a predetermined and fixed salary no less than FLSA mandated salary level.
- Specific job classifications including, but not limited to executive, administrative, professional, computer, and outside sales may qualify as FLSA-exempt should primary job duties, supervisory standards, and other conditions meet regulatory testing.
- FLSA-exempt employees may routinely perform over 40 hours of work in a workweek without overtime pay.

## **5.06 PERSONNEL CLASSIFICATIONS & ACTIONS**

Subject to distinctive staffing circumstances, budget availability, and to most effectively carry out the responsibilities of the LRGVDC, employees shall serve in the best business-interest of LRGVDC, consistent with job duty qualifications and applicable to state and federal law. All employee classification actions must be completed, with appropriate justification, in writing or

through official LRGVDC personnel action forms and approved by the Executive Director (or HR designee).

#### **5.06.01 NEW HIRE**

Newly-hired employees are employed through a competitive interview and selection process, identifying them as the most qualified applicant in response to a vacancy. All new hires must attend new employee orientation and are subject to a one-hundred and eighty (180) calendar day probationary employment period.

#### **5.06.02 REHIRE**

With approval from the Executive Director, and in consultation with HR, a previously employed individual may be considered for reemployment on the following conditions:

- original separation of employment from LRGVDC was voluntary and done in good-standing;
- the individual is employed through the competitive interview and selection process and was identified to be the most qualified applicant in response to a vacancy; and
- shall serve to meet the best business interest of LRGVDC's staff requirements.

Rehired individuals shall be subject to all conditions of newly-hired employees.

#### **5.06.03 PROMOTION (COMPETITIVE VACANCY)**

A promotion is a change in employee duty assignment and classification resulting in increased responsibilities and compensation. Promoted individuals, through a competitive vacancy category are selected through LRGVDC's interview process, identifying them as the most qualified applicant. Promoted individuals shall be adequately coached, trained and transitioned by management to successfully meet the expectations of their new assignment.

#### **5.06.04 PROMOTION (EMPLOYEE RECLASSIFICATION)**

Promoted individuals, through the employee reclassification process must be approved and recommended by the Executive Director, in consultation with HR, and must meet the following conditions:

- reclassification is the result of accommodating a distinctive staffing need;
- appropriate budget and resources are available to sustainably accommodate employment;
- employee has consistent, and exceptional agency tenure of performance and professional standards;
- employee is currently meeting all performance requirements in addition to achieving consistent and commendable accomplishments beyond expectations;

- employee is identified to be remarkably qualified, well-suited individual to perform job duty requirements; and
- shall serve to meet the best business interest of LRGVDC's staff requirements.

Promoted individuals shall be adequately coached, trained and transitioned by management to successfully meet the expectations of their new assignment. Promotions through employee reclassification may also be utilized for non-permanent, interim work-duty assignments.

#### **5.06.05 DEMOTION**

A demotion is a change in employee duty assignment to a lesser or lower position classification which in most cases, results in a decrease in pay.

Demotions shall occur for a variety of reasons including, but not limited to:

- disciplinary action;
- voluntary, at the employee's request; or
- shall serve to meet the best business interest of LRGVDC's staff requirements.

Employees demoted due to disciplinary action shall be subject to completion of a Performance Improvement Plan (PIP) with measurable steps and set a timetable to improve and/or learn elements of job duties and work expectations. Individuals demoted for other reasons shall be adequately coached, trained and transitioned by management to successfully meet the expectations of their new assignment.

#### **5.06.06 LATERAL TRANSFER**

A lateral transfer occurs when there is a transfer of employee between departments, divisions, or programs resulting in the same position classification and rate of pay.

Lateral transfers shall occur for a variety of reasons including, but not limited to:

- reasonable job accommodations;
- voluntary, at the employee's request; or
- at the request of management and approval of the Executive Director, and in consultation with HR to meet the best business interest of LRGVDC's staff requirements.

Employees who are laterally transferred should receive adequate coaching and training by management to successfully meet the expectations of their new assignment.

#### **5.06.07 LAYOFF / POSITION REDUCTION**

A layoff or position reduction is a temporary or permanent elimination or phase out of a group or position category of one or more employees.

Layoff and position reductions may occur for a variety of reasons including, but not limited to:

- availability of funds;
- change in program scope and agency responsibilities;
- changes to the staffing structure of the agency or department; and/or
- shall serve to meet the best business interest of LRGVDC's staff requirements.

#### **5.06.08 INVOLUNTARY DISMISSAL**

An involuntary dismissal is any separation of an employee, due to reasons such as:

- disciplinary action due to violation of work rule or standard;
- unsuccessful completion of the probationary employment period;
- inability to perform essential job functions;
- layoff / position reduction; and/or
- shall serve to meet the best business interest of LRGVDC's staff requirements.

Supervisors must obtain approval from the Executive Director (or HR designee) for all dismissals.

#### **5.06.09 VOLUNTARY SEPARATION (RESIGNATION, RETIREMENT, OR OTHER)**

A voluntary separation is a departure from employment from LRGVDC at the request, or for reasons determined by the employee. When applicable, voluntary separation notice should be provided in writing directly to their supervisor or HR.

The following guidelines apply during voluntary separations:

**Employee Resignation:** To remain in good-standing upon voluntary separation, employee shall provide advance notice, generally ten (10) business days prior to final date of employment.

**Retirement:** Minimum notice requirements should also generally be ten (10) business days; however, further advanced notice may be given and coordinated with supervisor. Supervisors and security sensitive positions should provide at least thirty (30) days' notice. Applicable retirement plan compensation benefits shall be paid upon retirement, as coordinated.

**Death or Disability:** Shall occur in the event of employee disability preventing an employee's return to job duties or death. In the event of death, his or her designated estate shall receive any applicable compensation owed.

**Job Abandonment:** Classified as a resignation when an employee chooses not to report to work or unauthorized leave without pay for three consecutive days without notification or coordination with supervisor. Job abandonment resignations are not considered to be in good standing.

#### **5.06.10 SEPARATION PAY**

Applicable accrued and unused vacation leave shall be paid upon voluntary separation up to the maximum allowable limits. Unused sick leave shall be forfeited upon separation from employment. Employee shall not be compensated for unused sick leave.

#### **5.06.11 EXIT PROCESS**

Employees may be asked to complete an optional exit interview with HR.

**All separations from employment from LRGVDC must be coordinated with administration department to ensure all equipment, electronic resource access, pending timesheets, paychecks, or travel reconciliation, security identification, or other LRGVDC property has been returned.**

## **6.0 WORK TIME STANDARDS**

The following guidelines apply to LRGVDC standards of work time within provisions of Fair Labor Standards Act (FLSA) or applicable federal and state labor law. Violation of work time standards are subject to disciplinary action.

### **6.01 ATTENDANCE & PUNCTUALITY**

It shall be the policy of LRGVDC to expect reliable attendance and punctuality for duty reporting and work assignments of all employees.

Other than justifiable emergencies, unforeseen circumstances, or unexpected illness, advanced notice must be provided for instances of absence or substantial tardiness. Notice must be provided prior to designated duty start time and in accordance with departmental procedures.

### **6.02 WORK TIME REPORTING**

- The distribution of salaries and hourly wages in an established pay period shall be calculated utilizing agency-designated ADP Payroll & Human Resources Time Management System method and shall become official employee record. The time sheet method will remain as backup and utilized if the ADP System fails or is not available. The ADP and/or Time Sheet methods shall be utilized to accurately reflect salary and wage distribution across various programs or leave time.
- Each employee shall be responsible for certifying the accuracy of the recorded work hours and leave time to be true and complete. Deliberately or unintentionally providing inaccurate time reporting may be subject to disciplinary action.

### **6.03 TIME REPORTING WORK WEEK**

- LRGVDC's time reporting 40-hour work week shall begin at 12 a.m. midnight on Saturday and end at 11:59 p.m. on the following Friday.

### **6.04 WORK SCHEDULE**

- Full-time employees are required to work a minimum of 40-hours in a workweek.
- Each employee shall be provided a designated work schedule consistent with their job duty and function.
- Employees are expected to report to duty on-time as designated by employee work schedule.

### **6.05 SCHEDULE ADJUSTMENTS**

- Employees must obtain prior approval from their supervisor for all or any adjustments to their designated work schedule.



## **6.06 LUNCH PERIODS**

- Lunch periods are considered non-work time and shall be non-compensable.
- Lunch period shall be coordinated in a manner to reflect an employee's job duties and functions and shall be included as a fixed work break period as designated by employee work schedule.
- Any deviations or expectations of "working through lunch" must be arranged, in advance with supervisor.

## **6.07 WORK BREAKS**

- Employees may be authorized the privilege of no more than two (2), compensable work break periods should the workflow and pending assignments allow.
- Work breaks shall not exceed more than fifteen (15) minutes and shall never interfere with work responsibilities and schedules.
- Work breaks may not be used at the beginning or end of the work day to shorten the workday.

## **6.08 MODIFIED WORK SCHEDULES**

A fixed modified, adjusted, or flexible work schedule may be granted as a supplemental benefit to employees in good standing that would not interfere with work responsibilities or duties. All modified work schedules shall be documented, structured, and approved, in advance by the Executive Director, and in consultation with HR.

Modified work schedules may include work schedule variations including, but not limited to:

- work duty reporting earlier or later than normal hours of operation;
- daily schedules shorter or longer than eight (8) hours (equal to 40-hours per week);
- temporary or limited telework, remote or off primary duty-site premises;
- to accommodate a school or training program; and
- shall serve in the best business-interest of LRGVDC, consistent with job duty qualifications and applicable to state and federal law.

See Return to Work for more information on Modified Duty Assignments.

## **6.09 TELECOMMUNITING**

Lower Rio Grande Valley Development Council (LRGVDC) considers telecommuting to be a viable alternative work arrangement in cases where individual, job and the direct supervisor's characteristics are best suited to such an arrangement. Telecommuting allows an employee to work at home, on the road, or in a satellite location for all or part of their regular workweek. Telecommuting is a voluntary work alternative that may be appropriate for some employees and some jobs. Typically, telecommuting will be a work from home arrangement. It is not an

entitlement; it is not an organization-wide benefit; and it in no way changes the terms and conditions of employment with LRGVDC.

**Procedure:**

1. Either an employee or his/her direct supervisor may suggest or require telecommuting as a possible work arrangement. This suggestion must be made in writing, signed by both the employee and the direct supervisor, and should include the following components:
  - a. The business-related reasoning behind the request for telecommuting.
  - b. The estimated amount of time the telecommuter will work from home per week.
  - c. A brief description of where the telecommuter's home work area will be located and the office set-up.
2. Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or formal, as described below. Other informal, short-term arrangements may be made for employees on family or medical leave, to the extent practical for the employee and the organization, and with the consent of the employee's health care provider, if appropriate. All informal telecommuting arrangements are made on a case by case basis, focusing on the business needs of the organization first. Such informal arrangements are not the focus of this policy.
3. Any telecommuting arrangement may be made on a trial depending on the nature of the position, and may be discontinued, at will, at any time at the request of either the telecommuter or the organization based on reasonable work related circumstances.
4. The employee will establish an appropriate work environment within their home for work purposes. LRGVDC will not be responsible for costs associated with initial setup of the employee's home office such as remodeling, furniture, or lighting, nor for repairs or modifications to the home office space. Employees needing guidance in setting up a workstation designed for safe, comfortable work should contact the Human Resources Department.
5. LRGVDC administrative leadership team will determine, with information supplied by the employee and his/her direct supervisor, the appropriate office equipment needs for each telecommuting arrangement on a case-by-case basis. The human resource (HR) department and operations will serve as resources in this matter. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. LRGVDC accepts no responsibility for damage or repairs to employee-owned equipment. LRGVDC reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter will sign an inventory of all office property and will agree to take appropriate action to protect the items from damage or theft. Upon termination of employment all organization property will be returned to the organization unless other arrangements have been made.

6. Injuries sustained by the employee while at their home work location and in conjunction with their regular work duties are normally covered by the organization's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries in accordance with organization worker's compensation and on the job accident procedures. It is ultimately the employee's responsibility to ensure a safe, compliant work environment.
7. Consistent with the organization's expectations of information asset security and compliance with HIPAA regulations for employees working at the office full-time, telecommuting employees will be expected to ensure the protection of proprietary organization information as well as protected health information (PHI) accessible from their home office if deemed applicable. Steps include, but are not limited to, use of locked file cabinets, disk boxes and desks, regular password maintenance, and any other steps appropriate for the job and the environment.
8. LRGVDC will supply the employee with appropriate office supplies (pens, paper, etc.) for successful completion of job responsibilities. The resupply of these items should be done at the organization's main office through normal procedures.
9. The employee and direct supervisor will agree on the number of days of telecommuting allowed each week, the work schedule the employee will customarily maintain, and the manner and frequency of communication.
10. Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to record all hours worked in a manner designated by the organization. Hours worked in excess of those specified per work week, in accordance with state and federal requirements, will require the advance approval of the direct supervisor for overtime. Failure to comply with this requirement can result in the immediate cessation of the telecommuting agreement and disciplinary action as noted in the employee handbook.
11. Commuting is not considered a business-related expense and should not be included in business mileage. Employees will not be reimbursed for travel between their home and the LRGVDC Agency premises.
12. Before entering into any telecommuting agreement, the employee and direct supervisor, with the assistance of the HR and administrative leadership, will evaluate the suitability of such an arrangement paying particular attention to the following areas:
  - a. Employee Suitability - the employee and direct supervisor will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
  - b. Job Responsibilities - the employee and direct supervisor will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.

- c. Equipment needs, workspace design considerations and scheduling issues.
  - d. Tax and other legal implications for the business use of the employee's home based on IRS and state and local government restrictions. Responsibility for fulfilling all obligations in this area rests solely with the employee.
13. If the employee and direct supervisor agree, and a draft telecommuting agreement will be prepared and signed by all parties and submitted to the Executive Director for review and approval. Upon the approval of the Executive Director, the agreed-to Telecommuting Schedule will be enacted.
14. An appropriate level of communication between the telecommuter and direct supervisor will be agreed to as part of the discussion process. The direct supervisor and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that seems appropriate for the job and the individuals involved.
15. Telecommuting is NOT designed to be a replacement for appropriate child care. Although an individual employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering into a telecommuting agreement.
16. Employees entering into a telecommuting agreement may be required to forfeit use of a personal office or workstation in favor of a shared arrangement to maximize organization office space needs.
17. The availability of telecommuting as a flexible work arrangement for employees of LRGVDC can be discontinued at any time at the discretion of the employer. Every effort will be made to provide thirty (30) days' notice of such a change. There may be instances, however, where no notice is possible. Telecommuting is not an entitlement.
18. The Telecommuting Agreement as well as this policy does not in any way change the Employment-At-Will status of the employee. Both parties will retain the right to terminate employment with or without notice and for any reason or no reason at all.

## **6.10 OVERTIME WORK**

In the event LRGVDC's duties and responsibilities cannot be successfully completed within the 40-hour work week, employees may be scheduled, arranged, and expected to work beyond 40-hours.

### **A. FLSA Non-Exempt**

- FLSA non-exempt employees shall be paid an overtime pay rate not less than one and one-half times the regular rate of pay.
- Overtime pay is based on actual hours worked in excess of 40-hours per work week.
- All overtime work must be arranged and approved by the management in advance.
- Overtime shall be distributed fairly and equitably, within provisions of the assignment, with as much advance notice as possible.

**B. FLSA Exempt**

- FLSA-exempt employees may routinely perform over 40-hours of work in a workweek without overtime pay.
- FLSA-exempt employees are expected to work as necessary to complete job assignments and responsibilities, including evenings and weekends or on-call assignments. The salaries of these positions are established with this assumption in mind.
- Management may grant discretionary “flex-time” schedule adjustments when employee has worked in excess of 40-hours of work in a workweek and not to interfere with any work responsibilities or duties.
- A flex-time schedule adjustment is not a right and is not provided on an hour-for-hour basis.

## **7.0 LEAVE TIME**

LRGVDC employee total compensation package includes pay rate for hours worked and various categories of fringe benefit. Full-time, non-temporary, and employees averaging above thirty (30) hours per workweek shall also qualify for paid holiday, annual and sick leave time. Paid leave time is a type of employee fringe benefit which is subject to adoption and approval by LRGVDC governing body as part of the annual budgeting process.

The following section shall identify the administrative standards, accrual, and use guidelines for available categories of work leave applicable to their employment status.

All intended leave requests should be adequately communicated with the employee's supervising manager and must be approved in advance.

### **7.01 PAID CATEGORIES OF LEAVE**

- 7.02 Annual Leave
- 7.03 Sick Leave
- 7.04 Holiday
- 7.05 Administrative Leave

### **7.02 ANNUAL LEAVE**

Paid annual leave is a valued benefit, and employees are encouraged to utilize annual leave for vacations or other personal reasons within the following work standards to adequately promote work/life balance:

- Eligible employees shall accrue paid annual leave beginning on their first day of employment.
- Newly-hired employees shall not be eligible to take annual paid leave within the first one hundred and eighty (180) calendar day probationary period. Exceptions to this guideline must be approved in advance by the Executive Director.
- Employees should request annual leave in a time manner, generally at least five (5) business days in advance.

Annual leave requests shall be considered with a balance of accommodating the request and meeting LRGVDC's responsibilities and duties. Adequate planning and communication, by both

the employee and supervisor should occur throughout the year to best achieve work standards, utilize staffing resources, and accommodate requests for annual leave.

#### **7.02.01 ANNUAL LEAVE ACCRUAL SCHEDULE**

Annual leave shall be accrued on a pro-rated basis, as follows:

<b>Year of Employment Service</b>	<b>Annual Leave Hours Accrued (per year)</b>	<b>Days (accrued per year)</b>
Less than 5 years	80	10
6 years	88	11
7 years	96	12
8 years	104	13
9 years	112	14
10 years	120	15
11 years	128	16
12	136	17
13	144	18
14	152	19
<b>15 or more years of service</b>	<b>160 (maximum accrual)</b>	<b>20 (maximum accrual)</b>

#### **7.02.02 FISCAL YEAR ANNUAL LEAVE CARRY-FORWARD MAXIMUM**

The maximum allowable annual carry-forward for unused annual leave is eighty (80) hours or ten (10) days. Annual leave beyond maximum limits unused at the end of the fiscal year shall be forfeited and balance will be reduced to eighty (80) hours.

#### **7.02.03 ANNUAL LEAVE PAYMENT UPON SEPARATION**

With the exception of newly-hired employees separated prior to completion of probationary employment period, employees shall be paid for accrued, unused leave. The rate of pay will be determined by the salary rate in effect at the time of separation.

#### **7.02.04 ANNUAL LEAVE CASH-OUT PROGRAM**

Subject to budgetary availability, at the direction of the Executive Director, defined categories of employees in good standing shall be eligible to “cash-out” a portion of unused annual leave, up to defined threshold limits.

- Cash-out period shall be during the last month of each fiscal year and limits, amount and carry-forward minimums shall be established, annually per the Executive Director.
- Cash-out program shall be voluntary and incorporated as an employee incentive benefit.

#### **7.03 SICK LEAVE**

Paid sick leave is another form of work time leave for eligible employees within defined standards of use.

An eligible employee is entitled to use available sick leave under the following conditions:

- Medical, dental, or optical examination or treatment;
- Incapacitation for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth;
- Medical quarantine resulting from exposure to a contagious disease;
- To attend, make arrangements for, or in bereavement of an immediate family member’s funeral; or
- Illness of a member of the employee’s immediate family who requires the employee’s personal care and attention.

For sick leave purposes, immediate family is defined as the employee’s spouse, child(ren), parent, or any other relative of the employee who is primarily dependent on the employee for care.

##### **7.03.01 SICK LEAVE ACCRUAL**

Eligible employees shall accrue paid sick leave beginning on their first day of employment and shall accrue eight (8) hours of paid sick leave per month. (or proportional amount for regular part-time employees who work at least 30 hours per week). Sick leave is credited to an employee’s account on an as earned basis per pay period.

##### **7.03.02 SICK LEAVE MEDICAL CERTIFICATION**



With defined scope and standards of use, supervisors shall grant paid sick leave only as supported by administratively acceptable justification.

For absences of **greater than two (2) days**, or for lesser periods as determined by management, an employee may be required to provide funeral documentation or medical certification from an acceptable board or professionally certified medical professional.

Abuse of sick leave standards or failure to provide the required documentation may result in the employee's being placed on unexcused leave-without-pay status and could result in disciplinary action against the employee.

#### **7.03.03        SICK LEAVE NOTIFICATION**

Sick leave notification standards and procedure shall be individually set management applicable to the employee's job responsibilities and duties; however, all non-emergency sick leave must be requested prior to beginning of duty time as per designated work schedule for each day absent.

#### **7.03.04        SICK LEAVE MAXIMUM**

The maximum allowable sick leave is three hundred and twenty (320) hours or forty (40) days. Sick leave beyond maximum limits unused at the end of the fiscal year shall be forfeited and balance will be reduced to three hundred and twenty (320) hours.

#### **7.03.05        SICK LEAVE PAYMENT UPON SEPARATION**

Unused sick leave is cancelled upon separation of employment, without compensation to the employee.

#### **7.03.06        ILLNESS DURING ANNUAL LEAVE**

When an illness or physical incapacity occurs during the time an employee is on approved annual leave, accrued sick leave may be granted to cover the period of illness or incapacity and the charge against annual leave reduced proportionately. Application for such substitution must be supported by a medical statement of other acceptable evidence if requested.

### **7.04    HOLIDAYS**

All paid holidays are subject to adoption and approval by LRGVDC governing body as part of the annual budgeting process. Traditional holidays observed by LRGVDC include, but are not limited to:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day (two days)
- Christmas (two days)

#### **7.04.01      ADDITIONAL HOLIDAY GUIDELINES:**

- Hours or operation days of certain programs may not be necessarily align with Holiday observation schedule.
- Temporary employees and part-time regular employees are not paid for holidays not worked.
- Whenever an approved holiday falls on a Saturday or Sunday, it will generally be observed on the Friday preceding or the Monday following, as determined by the Executive Director.
- If an official holiday falls within an employee's previously approved annual leave, the employee will be granted the holiday and not charged for that time.
- Should the business need find it necessary to perform work duties on an observed holiday, the following conditions apply:
- FLSA non-exempt employees shall be paid for regular hours worked plus holiday pay. An alternate day off within the same pay period may also be granted.
- FLSA-exempt employees may also be accommodated with an alternate day off, when feasible.

#### **7.05      ADMINISTRATIVE LEAVE**

Administrative leave is a paid category of work time leave and may be granted to eligible employees for designated purposes that may include, but not limited to:

- Jury Duty
- Voting
- Subpoenaed as a witness in a court of law

- Blood donations
- Employee Incentive / Recognition
- Training or certification
- Discretion of Executive Director

All administrative leave is circumstantial and must be requested in advance and subject to approval by the Executive Director (or HR designee). Administrative leave may require corresponding documentation, as requested.

## **7.06 UNPAID LEAVE CATEGORIES**

7.07 Leave without Pay

7.08 FMLA Leave

7.09 Uniformed Services Employment and Reemployment Rights Act (USERRA)  
Military Leave

## **7.07 LEAVE WITHOUT PAY**

Leave without pay (LWOP) is an absence from duty for eligible employees who have requested and been approved in advance, to take leave at the discretion of the Executive Director (or HR Designee). Examples of authorized leave without pay include Family & Medical Leave Act (FMLA), military leave, or other justified circumstances which, in the opinion of the Executive Director, merits a leave of absence without pay.

The following guidelines shall apply to leave without pay:

- Each leave without pay request shall be considered of employees in good standing in a manner not to impair LRGVDC's business functions and responsibilities.
- If authorized, leave without pay shall begin after an employee exhausts any available sick and annual leave balances.
- Employees on leave without pay receive no compensation and accrue no benefits during time of absence.
- Under certain terms, provisions, and time limits employee benefit programs may be continued if the employee any and all applicable premiums. (both the employee and any LRGVDC portion, as applicable)
- Employees on leave without pay shall establish weekly contact with supervisor, or as arranged.
- A previously authorized leave of absence without pay may be reclassified as an unauthorized leave without advance approval or should there be evidence that the cause for granting the leave was misrepresented or has ceased to exist.
- Unauthorized leave without pay shall be subject to appropriate disciplinary action.

- Unauthorized leave without pay for three consecutive days shall be classified as a job abandonment resignation.

## **7.08 FAMILY & MEDICAL LEAVE ACT (FMLA)**

It shall be the policy of LRGVDC to comply to the federal law standards of the Family and Medical Leave Act (FMLA) which provides eligible employees up to 12 weeks of unpaid, job-protected time off for specified family and medical reasons.

Approved FMLA leave shall begin after an employee exhausts any available sick and annual leave balances. While on FMLA leave, an employee shall not accrue or be paid any type of leave, including holidays but shall retain health coverage benefits at the same level. Any required employee contribution payments for health coverage benefits must continue while on FMLA leave to retain full benefits.

Approved FLMA leave status is unpaid and up to 12-weeks maximum or up to 26 weeks for military eligible circumstances. If FMLA leave is exhausted, LRGVDC is not required to restore the employee and may discontinue employment with LRGVDC.

FMLA is enforced by the Wage and Hour Division of the U.S. Dept. of Labor. This agency investigates complaints of violations. For information on how to file a complaint, contact the Wage and Hour Division. To locate the nearest Wage-Hour Office, telephone their toll-free information and help line at 1-866-487-9243.

### **7.08.01 ELIGIBLE EMPLOYEES**

To be eligible for FMLA leave, an employee must have been employed continuously by LRGVDC for at least the previous 12 months and have worked at least 1,250 hours during those 12 months. Temporary employees are not eligible for family leave.

### **7.08.02 ELIGIBLE CIRCUMSTANCES**

An eligible LRGVDC employee may be qualified for FMLA leave for the following reasons:

#### **A. Serious Health Condition**

An employee's serious health condition is one in which prevents the employee from performing the duties of job, or to care for an employee's spouse, child or parent who has a qualifying serious health condition.

The most common serious health conditions that qualify for FMLA leave are:

- conditions requiring overnight stays in a hospital or other medical care facility;
- conditions that incapacitate you or your family member for multiple and/or consecutive days and require ongoing medical treatment;
- chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider; and
- pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

## **B. Expanding Your Family**

FMLA leave may be approved for the birth of a child and to bond with the newborn child, or for the placement of a child for adoption or foster care and to bond with that child.

Men and women have the same right to request eligibility for FMLA leave to bond with their child, but it must be taken within one year of the child's birth or placement and must be taken as a continuous block of leave.

## **C. Military Family Leave**

Eligible employees may qualify for up to 26 weeks of FMLA leave due to a spouse, child, or parent being called up for or on active duty in the Armed Forces or to care for a service member who is their spouse, child parent, or next of kin and becomes seriously ill or injured while serving on active duty in Armed Forces.

### **7.08.03 FAMILY MEMBER DEFINITIONS**

#### **A. Parent**

Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in place of a parent to the employee when the employee was a child. This term does not include parents-in-law.

#### **B. Son or Daughter**

Son or daughter (or child) means a biological, adopted, or foster child, stepchild, legal ward, or child of a person standing in place of a parent. The child must be under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability”.

### **C. Spouse**

Spouse means a husband or wife as defined or recognized under state law.

## **7.08.04 HOW TO REQUEST FMLA LEAVE**

Eligible employees, under qualifying conditions shall submit FMLA leave request forms to HR at least 30 days prior, or as soon as possible in cases of health emergencies.

FMLA leave request documentation must include employee information, reason for requesting leave, duration of leave and timely, complete, and sufficient certifying medical documentation from an acceptable board or professionally certified medical professional.

Should LRGVDC have concerns about the validity of the provided medical certification, it may request a second opinion, or possibly a third opinion if the first and second opinion differ. In this case, LRGVDC would cover the cost of medical certification.

LRGVDC retains the right to deny or postpone FMLA leave requests should the employee or certifying health care provider not provide adequate notice and proper documentation within the allowable time frame.

## **7.08.05 FMLA LEAVE GUIDELINES**

After receiving all required documentation, LRGVDC shall notify employees of FMLA leave has been designated and approved. Employees on FMLA shall establish weekly contact with supervisor or as filed and approved as part of FMLA leave documentation.

Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child only if the arrangement is approved by the Executive Director (or HR designee). Leave for serious health conditions, either of an eligible family member of the employee or the employee, may be taken intermittently or on a reduced schedule if medically necessary, provided the other conditions of these policies are met.

LRGVDC may require subsequent medical re-certification as reasonable needed.

## **7.08.06 RETURN TO WORK**

After completion of an approved family leave period, not to exceed 12 weeks (26 weeks military), an employee will be returned either to the same position held before the leave began or to a position equivalent to the previously held position in pay, benefits, and other terms and conditions of employment.

Regardless of whether the family leave period is paid, unpaid, or a combination of paid and unpaid, the employee's health insurance coverage will be continued in the same manner and at the same level as it would have been had the employee continued in employment for the duration of the family leave period.

However, should the employee decide, at any time after family leave begins, that he or she will not return to work with LRGVDC, the employee must reimburse LRGVDC for health coverage premiums paid on behalf of the employee during the family leave period unless the reason for not returning to work is the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond the employee's control. This is subject to certification.

## **7.09                    UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA) MILITARY LEAVE**

It shall be the policy of LRGVDC to comply to the law standards under the federal Uniformed Services Employment and Reemployment Rights Act and comply with all USERRA requirements and related federal and state military leave requirements. This policy addresses military leave and reinstatement rights under USERRA for eligible employees who leave employment to fulfill military service obligations, including active duty, training, fitness-for-duty examinations, and funeral honors duty.

Employees who perform service in the uniformed services are eligible to take military leave. *Uniformed service* includes the armed forces and reserves, the Army National Guard and Air National Guard, the Commissioned Corps of the Public Health Service, and any other category of persons designated by the president in time of war or emergency. Employees who serve as intermittent disaster response appointees of the National Disaster Medical System and are federally activated or attending authorized training are considered to be engaged in service in the uniformed services.

Employees who return to work for the COG from military leave are eligible for reinstatement if they give advance written or verbal notice to the COG of the need for leave, they report to or submit applications for reemployment in a timely manner, they are honorably discharged from

military service, and the current military leave of absence combined with all previous military leaves of absence does not exceed five years.

Military leave in excess of 15 days will be charged to annual leave or leave without pay. Requests for approval of military leave must have copies of the relevant military orders attached.

#### **7.10            CONSOLIDATED   OMNIBUS   BUDGET   RECONCILIATION   ACT (COBRA)**

The COBRA law, enacted on April 7, 1985, requires the COG to offer employees and their families the opportunity for temporary extension of medical benefits coverage (continuation coverage) at group rates in certain instances where coverage under the plan would otherwise end; employee resignation, termination, reduction in hours of employment, death of a spouse, or any other qualifying reason as defined by COBRA.



## **8.0 FRINGE BENEFITS**

In addition to certain categories of paid leave, LRGVDC offers a variety of fringe benefits and services to eligible employees, retirees, and their eligible dependents as part of the total compensation package.

LRGVDC's fringe benefit schedule is subject to adoption and approval by LRGVDC governing body as part of the annual budgeting process and may be discontinued, reduced or modified accordingly.

The following section shall identify and describe standards for employee fringe benefits and services.

### **8.01 MEDICAL, DENTAL, AND LIFE INSURANCE**

Full-time, non-temporary, and employees averaging above thirty (30) hours per workweek shall be eligible for approved medical, dental, and life insurance benefits.

Upon employment, each employee who is eligible for medical, dental, and life insurance is provided an orientation with materials detailing information regarding LRGVDC's available insurance coverage options. Depending on various options selected by the employee, the employee may be responsible for any applicable coverage beyond what is provided as a paid fringe benefit.

Various coverage options may be selected at designated opportunities such as upon new employment with LRGVDC, as part of the annual enrollment process, or during designated qualifying life events as indicated by insurance provider.

### **8.02 SUPPLEMENTAL INSURANCE BENEFITS**

As coordinated by LRGVDC, employees may have the option of purchasing qualified benefits from a third-party insurance provider, some of which may be paid on a pre-tax basis.

Supplemental insurance program may include, but not limited to:

- Vision;
- Short & Long-Term Disability;
- Cancer;
- Accident / Injury; or Long-Term Care.

### **8.03 RETIREMENT PLAN**

The LRGVDC has an established retirement for the benefit of eligible employees and their beneficiaries. The purpose of the retirement plan is to provide employees and their beneficiaries with benefits at retirement or upon death or disability prior to retirement.

All eligible employees are eligible for retirement plan participation after completion of the probationary employment period of one-hundred and eighty (180) calendar days from employment start date. After meeting the eligibility requirements, an employee shall be enrolled in the retirement plan on the next available enrollment period, as indicated by the retirement plan administrator/provider.

LRGVDC's matching contribution amount shall be subject to the availability of funds as approved by the LRGVDC governing body. Employee participation in the retirement plan and any deferred compensation program is discretionary and voluntary.

### **8.04 WORKERS' COMPENSATION**

The LRGVDC is committed to meeting its obligation under Texas Worker's Compensation Act to provide medical, rehabilitation, and wage-replacement benefits to employees who sustain work related injuries or illnesses. Employees must immediately report all injuries or illnesses, regardless of severity, to their supervisor and the Department of HR.

### **8.05 RETURN-TO-WORK PROGRAM**

The purpose of the Return-to-Work Program is to afford employees the flexibility following an injury or medical condition. The program assists employees to return to the workforce as soon as the employee is physically and medically able. The HR staff shall facilitate this program with the employee, along with the medical professionals, managers, and supervisors. HR staff will assist supervisors in identifying and providing transitional duty assignments based upon the employees' skills, knowledge, ability, recovery period, status of maximum medical improvement (MMI), and duration of doctor-imposed restrictions to duty.

As part of the Return-to-Work Program, modified duties may be available. A modified duty assignment is a temporary reassignment of an employee with an illness, injury, or medical condition preventing the employee from performing full duties of their job classification. The modified duty assignment must be performed within the limitations of the employees' medical condition (status report following a workman's comp qualifying event, FLMA, or others).

Modified duties are not guaranteed, but will be granted if the department has assignments available and the employee is qualified to perform the assignment.

## **8.06 UNEMPLOYMENT BENEFITS**

LRGVDC is a participatory employer towards federal and state mandated unemployment programs.

Eligible employees are entitled to this benefit on the qualification basis established by law. To be eligible for this program, you must be unemployed through no fault of your own.

## **8.07 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The LRGVDC may offer an Employee Assistance Program (EAP) as an employee benefit, subject to funding availability. This service provides health and well-being assistance through free and cost-effective programs with the goal of improving the health and productivity of employees.

## **8.08 WORKPLACE FLEXIBILITY**

LRGVDC recognizes an employee-oriented, flexible workplace yields a more engaged, effective workforce, LRGVDC strives to offer flexible workplace benefits, when feasible.

Supplemental benefits and programs shall be optional and considered for those employees in good standing that would not interfere with work responsibilities or duties. Certain job position or employee FLSA classifications may not be eligible for certain flexible work benefits.

Workplace flexibility benefits may include, but not limited to, programs and initiatives such as:

- modified or adjusted work schedules;
- flex-time schedule accommodations;
- temporary or limited telework, remote or off primary duty-site premises;
- authorized leaves of absence;
- modified work or wellness breaks; or
- employee health and wellness programs.

All workplace flexibility benefit programs shall be implemented with a structured, operational set of use guidelines and approved, in advance by the Executive Director.

All workplace flexibility benefit programs shall be determined to serve in the best business-interest of the LRGVDC's operational purpose and function.

## **8.09 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPPA)**

The Health Insurance Portability and Accountability Act (HIPPA) requires the COG to ensure all medical information regarding an employee is maintained in a confidential manner and protects health insurance coverage for all employees and their families when they change or lose their jobs. The COG maintains all medical information separate from all personnel files and provides employees with notices regarding their rights to continued coverage and ensures health insurance providers comply with this Act.

## **9.0 TRAVEL & TRAINING**

It shall be the policy of LRGVDC to provide reimbursement for approved job-related expenses incurred while conducting official business-related duties of the agency.

The following section shall identify the administrative guidelines, reimbursement standards, and employee responsibilities for official travel and training related-expenses.

LRGVDC shall consider and coordinate travel expenses in the most cost-effective manner, considering all relevant circumstances. As an alternative to travel, employees shall utilize technology resources such as video or teleconference resources to the fullest extent possible.

Employees knowingly providing falsified information for travel reimbursement shall be subject to disciplinary action.

### **9.01 PERSONAL VEHICLE USE**

When personal vehicle use is approved for in-region or out-of-region travel and deemed the most reasonable and cost-effective means of transportation, mileage will be reimbursed at maximum rates as published by the State of Texas Comptroller of Public Accounts.

Miles traveled by an employee for official business shall be done utilizing the most efficient and economical method over the shortest practical route. Completed travel voucher must include verification by an agency-designated online mapping service.

Carpooling, when two or more employees are traveling to the same location at the same times, should be coordinated as the most efficient means, when applicable. When two or more employees travel in a single automobile, only one employee will receive automobile mileage reimbursement.

Mileage reimbursement shall be calculated from the employee's designated office location to the business destination.

If the business-related travel occurs at the start or end of the employee's designated work schedule, the employee should use their residence address if it results in a lower-cost rate of reimbursement.

Mileage reimbursement shall never include an employee's routine commute route. When an employee is required to travel to another business destination other than their designated office location, mileage may only be reimbursed that is not part of an employee's routine commute route.

## **9.02 OUT-OF-REGION TRAVEL**

Employees required to travel out-of-region for LRGVDC-related business shall complete designated travel authorization request documentation prior to the scheduled departure. It shall be the responsibility of the traveling employee to obtain accurate estimates of travel costs to include the lowest cost and most time-efficient alternatives.

Employees shall be entitled to transportation, accommodations, and other services which are reasonable and meet adequate quality standards for convenience, safety, and comfort. Travelers shall, whenever possible, use the most economical accommodations which shall meet reasonable requirements.

## **9.03 PER DIEM GUIDELINES**

The following guidelines shall apply to reimbursable per diem expenses which will generally be for transportation, lodging, meals, parking, tolls and other approved travel-related costs incurred.

- Out-of-region meals and commercial lodging will be reimbursed at actual costs, not to exceed maximum rates as published by the State of Texas Comptroller of Public Accounts. Receipts are not required for meals.
- Meals or lodging gratuitously included in conference or training registration fees shall not be included for reimbursement.
- At the approval of the Executive Director, commercial lodging rate may be exempted from per diem maximum if the lodging occurs at a “host hotel” where the cost of other commercial lodging and transportation (such as rideshare or taxi) would exceed the established “host hotel” commercial lodging rate in effect.
- Employees are not exempt from city, county or state hotel occupancy taxes. These taxes are reimbursed in addition to the lodging costs.
- Transportation alternatives such as rideshare, taxi, shuttles, public transit, and bicycle/micro-mobility services shall be reimbursed if this use is most cost-effective, with applicable receipts.

#### **9.04 OTHER ALLOWABLE EXPENSES**

The following may be allowable reimbursable expenses with itemized receipt or justifying documentation, when presented as the most feasible, efficient, or cost-effective means of travel.

- Parking Fees;
- Rental Vehicle;
- Gasoline for rental or LRGVDC-owned fleet vehicles;
- Toll-road fees;
- Telecommunication fees (telephone, video conference, etc.) when used for official business;
- Business services fees; (copy, fax, notary, money order, etc.) when used for official business;
- Registration fees for workshops, conferences, training or seminars;

#### **9.06 NON-ALLOWABLE EXPENSES**

The following shall not be allowable reimbursable expenses without extenuating circumstances, approved with substantial justification at the discretion of the Executive Director.

- Tips or gratuities of any kind;
- Gasoline or repair costs for personally owned vehicles;
- Excess baggage for personal belongings;
- Personal telephone calls;
- Any personal expense items such as cleaning, laundry, or toiletries;
- Costs of personal entertainment, social activities, or alcoholic beverages;
- Traveling companion (spouse, family member, etc.) expenses;
- Traffic or other citations;
- Gambling or illegal activities; or
- Cancellation fees.

#### **9.07 CASH ADVANCES**

Cash advance may be made available to employees for authorized out-of-region travel per diem should available funds allow, at the discretion of the Executive Director. If a cash advance is made prior to trip, the employee must file an expense report immediately upon his or her return to work after the trip and allowable expenses claimed will be used to offset the cash advance.

If the employee's trip expenses exceed the cash advance, the employee will be reimbursed for the difference. If the employee's cash advance exceeds the allowable trip expenses, the employee must reimburse the difference to the LRGVDC when the trip expense report is filed.

**Cash advance requests must be made three (3) business days in advance of the travel.**

Misuse or untimely reconciliation of cash advanced travel vouchers may result in suspension of cash advance option.

## **9.08 TRAVEL EXPENSE REPORT**

Employee shall submit a complete and accurate travel expense report no greater than thirty (30) calendar days after an authorized traveler's return.

Expense reports shall include required receipts and all other supporting documentation.

Travel expenses must be charged to the correct appropriation year, utilizing rates in effect during travel period.

## **9.09 TRAINING & PROFESSIONAL DEVELOPMENT**

LRGVDC encourages its regular full-time and part-time (at least 30 hours per week) employees to take advantage of applicable training opportunities and professional development opportunities which are related to and will enhance the performance of the employee. Professional development training shall be planned and approved in advance by management or the Executive Director.

Employees will have the expectation to uphold all standards of ethics and conduct while attending conferences and professional development opportunities.

Approved professional development training, association dues, or conference fees related to enhancing job performance may be reimbursed and accommodated as outlined in personnel policy.



## **10.0 ADMINISTRATIVE & REGULATORY POLICIES**

As a political subdivision of the state codified pursuant to the Texas Local Government Code, Chapter 391, LRGVDC maintains specific functions and responsibilities as designations directed by local, state, and federal agencies.

The following section shall provide guidelines and policies for various designated administrative standards as applicable to state and federal law.

### **10.01 FINANCIAL AUDIT**

The Regional Planning Commission Reporting Requirements dictate the provisions as noted in the Local Government Code for Council of Governments such as the LRGVDC. The Office of the Governor State Auditor Legislative Budget Board mandate a complete financial audit must be prepared by an independent CPA, mandate both an actual and projection of the organization's productivity and performance, and asset disposal report (Local Government Code 391.0095):

- Amount & source of all funds received by the commission;
- Amount & source of all funds expended by the commission; AND
- Explanation of any method used to compute an expense of the commission, including indirect cost computations.

### **10.02 PRODUCTIVITY AND PERFORMANCE**

A report of LRGVDC's projections and actual performance productivity shall be completed annually.

### **10.04 ASSET DISPOSAL REPORT**

A report of assets disposed of by LRGVDC shall be completed annually. LRGVDC shall also maintain an inventory and asset management recording system.

### **10.05 PERSONNEL RECORDS**

HR shall be responsible for maintaining the records for employees. These employee personnel documents are public, except as provided by applicable law and statutes for confidentiality. Copies of this information are available on request from the employee themselves or the authorized representative designated by that employee.

## **10.05 COMPLIANCE & OVERSIGHT**

As a recipient of federal, state, and local funds, the LRGVDC is tasked with monitoring pass through funds and subrecipient grantees to ensure authorized purposes and processes are following laws, regulations, agreements, and performance goals are achieved.

Compliance and oversight are primarily conducted by each programmatic department and demonstrates a commitment to the roles and responsibilities in receiving various grant and formula funding.

## **10.06 FLEET VEHICLE POLICY**

LRGVDC fleet vehicles are those vehicles owned directly by LRGVDC and are used for the activities and purposes which are directly related to LRGVDC business. Fleet vehicles will be maintained by the departments assigned the vehicle.

The following guidelines apply to LRGVDC fleet vehicles and failure to comply shall result in appropriate disciplinary action:

- Only approved LRGVDC Staff are authorized to operate fleet.
- Fleet vehicles shall be considered employee work stations to which all other LRGVDC policies apply.
- Employees shall not operate fleet for the purpose of conducting a private business or enterprise, or for any personal use.
- All drivers and travelers must wear seat belts and obey all traffic laws.
- The use of tobacco and tobacco related products are not permitted in fleet.
- Staff are prohibited from operating fleet vehicle while under the influence of drugs or alcohol.
- Employees must report all accidents and traffic/parking citations to immediate supervisors within 24 hours of incident, unless it is a medical emergency.
- All fines and costs associated with citations are the responsibility of the employee.
- Employees operating a fleet vehicle will possess a valid driving license; and provide a copy to HR.
- Before beginning each trip, employees shall conduct a pre-trip inspection of the vehicle.
- All LRGVDC fleet will be identified with an approved LRGVDC logo.
- Employees shall refrain from operating cell phones or any other device which may cause a distraction while operating a fleet vehicle, as mandated by state law.
- Staff will ensure Trip Log or Binder information is accurate and valid.

- Employees shall document the following trip and fuel information to include, but not limited to: *Date, Time, Fuel merchant name, Gallons purchased, Name of purchaser and initial, Total amount of purchase, Odometer reading, Destination(s), Starting Mileage, Ending Mileage, Time, and Fuel Tank Level.*

Any LRGVDC employee required to operate a motor vehicle who is convicted of any of the following violations shall be subject to immediate termination of employment:

1. A plea of guilty or nolo contendere is considered the same as conviction for:
  - a) Driving while intoxicated or under the influence of drugs or alcohol;
  - b) Hit and run/failure to stop and render aid;
  - c) Manslaughter with a motor vehicle; and,
  - d) No license, improper or invalid driver's license.
2. An employee whose duties require the operation of a motor vehicle and who is involved in any one or more of the following situation may be subject to immediate termination of employment:
  - a) Two or more moving violations within one year of the initial infraction;
  - b) Two or more at fault accidents within one year of the initial infraction;
  - c) One at fault accident and one moving violation within one year of the initial infraction;
  - d) One negligent collision resulting in serious bodily injury (hospitalization or death) or extensive property damage;
  - e) Provided, however, that an employee who submits a certificate of completion of a U.S. based certified defense driving course obtained on their own time and at their own expense may mitigate an adverse evaluation of that employee's employment status; but each situation will nonetheless be evaluated on its own merits.
3. Any employee who receives a traffic citation or who is involved in a motor vehicular collision, regardless of how minor, while operating a motor vehicle on LRGVDC business, shall if physically able, file a report of such incident with their immediate supervisor within twenty-four (24) hours of the occurrence of such events or be subject to disciplinary action including termination.
4. Unauthorized use of the LRGVDC's motor vehicles is prohibited and is a ground for disciplinary action including termination of employment. LRGVDC vehicles shall not be used for personal errands or for personal travel. Employees who are provided LRGVDC motor vehicles for their use will use such vehicles only for LRGVDC related business.

5. LRGVDC vehicles shall not be used to transport employees, clients, or others to political activities, to voting precincts or to any other activities outside of normal LRGVDC requirements.

#### **10.06.01 FUEL CREDIT CARD USE**

The Executive Director will determine fuel credit card limits and may enact a more restrictive policy regarding usage of fuel credit cards for their respective Department. This document ensures compliance by reviewing purchases monthly, and allows for the monitoring of statements, records, & logs.

The following guidelines apply to LRGVDC fuel credit cards and failure to comply shall result in appropriate disciplinary action:

- LRGVDC staff will ensure the fuel credit card is used only for purchases approved by management deemed necessary and reasonable.
- While assigned, employees shall keep the card in their possession at all times in a secure location.
- Ensure no non-LRGVDC employed staff use the fuel credit card.
- Make no personal purchases on the Fuel credit card
- Use the card as anticipated in the departmental budget
- Retain and submit original itemized receipts for all card use
- Allow no one else to use the card or pin number assigned to me
- The Department Director must ensure these funds are an eligible and placed or is identifiable through a line item.

#### **10.07 HANDGUN POLICY**

In adherence to and compliance with Texas Penal Code §30.06 and §30.07, the LRGVDC adopts and enforces the following policy regarding concealed handguns (§30.06) and open carry of handguns (§30.07). The LRGVDC shall comply to State Law as applicable amendments to law exist.

##### **10.07.01 Employees:**

LRGVDC employees are not prohibited from the concealed carrying of handguns while on duty and/or on LRGVDC premises as defined in §46.035 of the Texas Penal Code as long as the employee is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.

Those employees licensed to carry handguns must provide a copy of their current handgun license, including renewals, to their immediate supervisor and Director and to HR prior to the employee carrying a weapon on LRGVDC premises as defined in §46.035 of the Texas Penal Code.

All LRGVDC employees are prohibited from openly carrying handguns on LRGVDC premises, except those employees who are Texas peace officers as defined in Chapter 1701 of the Texas Occupations Code and §2.21 of the Texas Code of Criminal Procedure.

**10.07.02      Non-Employees:**

Those persons on LRGVDC premises as defined in §46.035 of the Texas Penal Code and who are properly licensed to carry a handgun under Subchapter H, Chapter 411, Government Code may carry their handguns concealed or openly on LRGVDC premises as defined in §46.035 of the Texas Penal Code. If the weapon is openly carried, it must be in a belt or shoulder holster. Handguns are prohibited in those rooms where meetings subject to the Open Meetings Act are being held in pursuant to §46.035 and §30.06 and/or §30.07 of the Texas Penal Code. The LRGVDC shall post the appropriate sign(s) at the entrance of those areas/rooms where handguns are prohibited.

## RECEIPT AND ACKNOWLEDGEMENT FORM

I acknowledge receipt of an electric copy of the Personnel Policy Manual of the LRGVDC.

I understand and agree:

- A. It is my obligation to understand all of the provisions of the manual. I can ask my Supervisor, my Department Director, or the Human Resources office any questions I have about this manual.
- B. The manual is not a contract and the information provided is subject to change by the LRGVDC as the need arises.
- C. Acceptance of the provisions of this manual is a condition of my employment with the LRGVDC.

By accepting employment after the effective date of this manual or by remaining employed by the LRGVDC after the effective date of this manual, I agree to be bound by the terms and conditions of the manual.

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Employee's Printed Name

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Employee's Signature

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Date Received

TEXAS GOVERNMENT CODE Section 552.024

Public Access Option Form

The Public Information Act allows employee, public officials, and former employees and officials to elect whether to keep certain information about them confidential. Unless you choose to keep it confidential, the following information about you may be subject to public release if requested under the Texas Public Information Act. Therefore, please indicate whether you wish to allow public release of the following information by checking off or initialing in the appropriate box:

Public Access Election	"Yes"	"No"
Home Address		
Home Telephone Number		
Social Security Number		
Information that reveals whether you have family members		

\_\_\_\_\_  
Employee's Printed Name

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date Received