

**BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT
PERSONNEL POLICIES AND PROCEDURES**

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Forward

This Employee Policy Manual contains information that is important to your employment and requirements of the law. The information contained in this Policy is critical to your employment rights and to the expectations that Brazos Valley Groundwater Conservation District has of each employee. It should be read in entirety and signed by the employee and General Manager upon receipt. A great deal of information is covered by this manual but it cannot cover all subjects completely. Therefore, if you have any questions about the policies of the District, do not hesitate to ask the General Manager for additional clarification.

Employment with the District is on an “at-will” basis. This means that the employment relationship is not an entitlement, but rather a privilege that may be terminated at any time by either the employee or the District for any reason not expressly prohibited by law. **The contents of this manual do not constitute a contract of employment. Nothing contained in this handbook should be construed as a guarantee of continued employment or of any particular policy or benefit.** The policies, programs and benefits described in this manual may be added to, subtracted from or otherwise amended by official action of the Board of Directors (Board). Except where noted, interpretations of this policy are reserved to the General Manager or his or her designee under guidance of the Board of Directors (Board). Any agreement conflicting with, or outside the scope of these policies is void unless it is in writing and signed by the General Manager.

Equal Employment Opportunity

The District is committed to fair and equal treatment of all employees and fair and equal consideration of all prospective employees, without regard to race, color, age, religion, gender, sexual orientation, ancestry, national origin, military status, or disability.

The District complies with all federal and state employment laws and regulations. The District commits to administering all personnel actions in compliance with such laws and regulations.

The District is committed to providing a working environment free from all forms of discrimination and harassment. Such conduct will not be tolerated and constitutes grounds for immediate dismissal. If you feel you have been subjected to discrimination or harassment, you must immediately bring the situation to the attention of the General Manager. The complaint process must follow the supervisory chain of command. All complaints must be filed first through the General Manager. If it is inappropriate to go to the General Manager because the complaint involves that person or, you are dissatisfied with the result of the initial conversation with the General Manager related to discrimination or harassment, you may appeal to the Board. The General Manager has final authority over the resolution of employment related complaints, unless the General Manager is the subject of your allegations, then you must bring the situation to the attention of a Board Personnel Committee Member.

EMPLOYEE CATEGORIES

A Full-time non-exempt employee is a person who has been employed hourly for what is, at the time of hire, a permanent position. Such employee is expected to work forty (40) hours a week.

A Full-time exempt employee is a salaried person who has been employed for what is, at the time of hire, a permanent position. Such employee is expected to work forty (40) hours a week with the understanding that from time to time, additional hours may be required in order to fulfill the requirements of the position.

Full-time non-exempt and exempt employees are eligible for the benefits described in the section "Employee Benefits."

A Part-time employee is a person who has been employed for a position which, at the time of hire, is expected to require less than forty (40) hours a week and the position is not slated to be a full time position.

A Part-time employee is not eligible for the benefits described in the section "Employee Benefits."

A Temporary employee is a person employed for a specific length of time or for the duration of a specific project. Such employee is not eligible for the benefits described in the section "Employee Benefits."

A Contractor is a person who exercises independent control over his or her work and may be hired under contract for a specific project. Such employee is not eligible for the benefits described in the section "Employee Benefits."

HOURS OF OPERATION

All full-time exempt employees are expected to work a regular forty (40) hour per week schedule, defined ~~as Monday through Friday, 8:00 a.m. to 4:30 p.m. by the General Manager~~. All full-time non-exempt employees are expected to work a minimum of forty (~~8~~40) hours ~~each in a two~~ week ~~period, generally, Monday through Friday, 8:00 a.m. to 4:30 p.m.~~ For the purposes of calculating overtime for non-exempt employees, the work week runs from Monday at 12:01 a.m. through Sunday at 12:00 midnight.

Any request for variation in the regular schedule must be made in writing and approved in writing in advance by the General Manager.

LUNCH PERIOD AND REST BREAKS

Employees are allowed 30 minutes for lunch. Due to the number of employees in the office, the lunch period shall remain flexible. When interrupted by telephone calls, or customer inquiries, the lunch period is to resume to the completion of 30 minutes. Field employees may schedule their lunch period to coincide with jobs in progress, or to begin prior to, or after the completion of jobs. Major changes in the regular lunch routine must be approved by the General Manager.

Employees may take two rest breaks, limited to 15 minutes, in the mornings and in the afternoons to secure refreshments and rest. Employees may leave the work area, but should not leave the immediate vicinity of the building or work location. Morning and afternoon rest breaks may not be accumulated or combined into one longer rest break, nor may they be added to a meal period, nor may either rest break be foregone to arrive later than the scheduled starting time or leave earlier than the scheduled quitting time.

CELLULAR DEVICES

The use of personal cell phones or other cellular devices while at work may present a hazard or distraction to the user and/or co-employees. This policy is meant to ensure that cell phone or other cellular devices use while at work is both safe and does not disrupt business operations.

To avoid office distractions, employees are required to keep cell phones or other cellular devices on low volume for incoming calls or vibrate mode during regular office hours.

Use of your personal cell phone or cellular device should be kept to a minimum during working hours.

To ensure the effectiveness of meetings, employees are asked to leave all cell phones or other cellular devices at their desks. Or, on the unusual occasion of an emergency that requires immediate attention, the cell phone or cellular device may be carried in vibrate mode.

The District prohibits employee use of cellular phones or cellular devices, for any purposes, when driving while on district business.

We recognize that other distractions occur while driving, however, eliminating the use of cell phones or other cellular devices, while driving, is one way to minimize the risk of accidents for our employees. Therefore, you are required to stop your vehicle so that you can safely use your cell phone or cellular device, or contact the caller at a better and safer time.

Employees who violate this policy may be subject to disciplinary actions, up to and including employment termination.

The District may provide certain employees with cell phones for use while conducting business of the District. The cell phone is provided to the Employee in an effort to save other expenses in regard to travel and providing the other District Employees and residents of the District the ability to communicate with the Employee when they are away from the District office. The Employee is allowed to use the cell phone for limited personal use. However, if the monthly contracted minutes are exceeded, an audit of the minutes used for personal and non-personal use will be made. The Employee will be required to repay the District for the personal use of the cell phone if the excess is determined to be due to personal use of the cell phone.

COMMUNICATIONS INCLUDING INTERNET AND E-MAIL:

- All business equipment and electronic and telephone communication systems are District property and are to be used for conducting District business only, except as otherwise provided by this policy. The District may monitor the use of such systems to determine that the equipment is being used accordingly. Communication systems may also be monitored to verify that the District is serving its constituents efficiently and courteously. Communications may be recorded to provide a record of the location of system failures and accidents and to ensure the safe and efficient operation of the District. While at work, and while using District equipment and systems on District time, employees should have no expectations of privacy, including but not limited to e-mail communications and telecommunication systems use.
- All business equipment, electronic and telecommunication systems, computer passwords, etc. are District property.
- All communications and information transmitted, stored or received over or in the District's business equipment and electronic and telecommunication systems are District property and subject to the provisions of the Texas Open Records Act
- The District business equipment and electronic and telecommunication systems are to be used for District business only, except as otherwise provided by this policy.
- The District may monitor the use of its business equipment and electronic and telecommunication systems, including e-mail.
- Employees may not use passwords, access files or retrieve stored information which they are not authorized to use, access, or retrieve.
- Incoming and outgoing telephone calls, e-mails and internet searches may be monitored throughout the business day.
- Employees who violate this policy are subject to discipline, up to and including termination.

PERSONAL TELEPHONE CALLS & VISITORS

Employees are expected to minimize their use of office telephones for personal calls. Personal calls, both incoming and outgoing, must be limited to only those that are essential and limited to a reasonable length of time. Using the work telephone for prolonged personal calls is unacceptable. Disregard for this rule may result in discipline including the restriction of all personal calls to an employee's lunch and break periods. Work may not be interrupted by incoming and out-going personal calls except in the case of necessity or emergency. Under no circumstances are personal long distance calls to be charged to the District.

In order to ensure District security, to reduce potential liability for injury to outsiders, and to ensure that assigned work is not disrupted, non-business visitors are to be kept to an absolute minimum.

If someone does visit you at your work location, it is the employee's responsibility to make the visit as brief as possible.

PAY INFORMATION

Any employee who plans to be away from the office on the day the paychecks are issued should make arrangements for the disposition of his or her check. New employees are required to fill out a withholding form along with other pertinent personnel forms on their first day of employment.

All Employees:

Pay periods for all employees are defined as the fourteen (14) day period, including and immediately preceding every other Friday, beginning November 15, 2012. Paychecks will be prepared and distributed on the last day of each pay period for the work performed during that pay period. Should a payday fall on a holiday, paychecks will be prepared and distributed on the work day immediately preceding the holiday. Paychecks will include compensation for all time worked during the pay period less withholdings and other authorized deductions.

TIME SHEETS

It is the responsibility of each employee to fill out his or her Time Sheet correctly and accurately. The Time Sheet must be turned into the General Manager bi-monthly. For Time Sheet purposes, the pay period begins at 12:01 a.m. the 3rd day prior to the end of each month and ends at 12:00 midnight on the 12th day of each month; and, begins at 12:01 a.m. on the 13th day of each month and end at 12:00 midnight on day immediately prior to the last three (3) day of that month. The Time Sheet must be submitted to the General Manager at the end of the workday on the 13th of each month and at the end of the workday day immediately prior to the last three (3) days of the month.

If an employee will be on vacation, when Time Sheets are due, the time sheet must be handed in prior to leaving for vacation

OVERTIME POLICY

Due to the nature of this business, it is sometimes necessary to require employees to work extra hours. Cooperation of all personnel in this regard is expected.

If your position is classified as non-exempt you will be paid time and one-half your regular rate for all hours worked each week over forty (40). Overtime work schedules must have prior approval of the General Manager. It is the responsibility of the employee to make certain that overtime has been approved ~~in writing~~, prior to performing overtime work. Time off for personal reasons, illness, holidays, vacations, etc. will not be considered as hours worked for purposes of computing overtime.

Your pay periods are irrelevant to the overtime calculation. Overtime is calculated based on the recurring, seven-day workweek. If a workweek overlaps two pay periods, overtime due for that workweek will be credited as of the second pay period (when the total hours worked for the

workweek are known). For example, if the workweek ends on the 17th, the amount of overtime will not be paid for that workweek until the following pay period.

All executive, administrative, and professional employees who are “exempt employees” are exempt from the minimum wage and overtime provisions of the FAIR LABOR STANDARDS ACT. The classification of your position as exempt or non-exempt will be reflected in your personnel file.

EXPENSES

Employees will be reimbursed for all reasonable and necessary business and travel expenses.

If an employee is required to use his or her personal automobile on District assignment, they will be reimbursed at the current mileage rate authorized under the INTERNAL REVENUE CODE. Such reimbursements take into consideration gas, oil, insurance and normal wear and tear on the automobile.

All requests for reimbursement of expenses should be accurately recorded on the District’s Expense Report form. Receipts for commercial plane travel, automobile rental, parking, and room rental must be included with the expense report to maintain compliance with requirements of the INTERNAL REVENUE SERVICE. Reimbursement for all expenses must be approved by the General Manager, and are subject to scrutiny.

VEHICLE REIMBURSEMENT

In an effort to cover work-related travel costs, the Board of Directors may authorize a “Vehicle Reimbursement” in lieu of use of a District-furnished vehicle. The Board shall set the monthly allowance. All employees provided a vehicle reimbursement are required to submit to the General Manager an annual accounting of mileage incurred during the prior year in the course of performing services for the District on or before the 15th of January each year. Vehicle reimbursements will be credited in the employees’ regular paycheck on a bi-monthly basis. Reimbursement will not be credited for days an employee is not at work that pay period and does not use his or her personal vehicle for District business.

USE OF DISTRICT VEHICLES

The District may provide vehicles to certain Employees for business use during the course and scope of employment while employed by the District. District vehicles are the property of the Brazos Valley Groundwater Conservation District and shall be immediately returned to the District upon request of the General Manager or the Board of Directors.

An Employee who is provided a District vehicle is required to maintain the vehicle in a reasonably clean and presentable state. This shall include regular engine oil and filter change, lubrications, wash the exterior, and vacuum the interior. It is the responsibility of the Employee to see that the State Inspection is current and that a copy of the proof of insurance is current and in the vehicle. In addition, it is the responsibility of the Employee to see that needed repairs to the vehicle are made or are scheduled to be made. The expense of maintaining the vehicle shall be borne by the

District. Repairs, except in the case of an emergency, must be approved by the General Manager prior to the completion of the repair work.

District vehicles shall only be used for District business and are not authorized for personal use, under any circumstances. With the General Manager's approval, a District vehicle may be left overnight at a District employee's house for efficient District business use.

Passengers may ride in the District vehicles for District-related business only. Minor children under the age of eighteen shall not be passengers in any District vehicle.

Only Employees with good driving records will be authorized to drive District vehicles. The General Manager reserves the right to determine which Employees are eligible for the use of District vehicles, and that eligibility may be withdrawn at any time for any reason, with or without notice.

Driving reports from the Department of Motor Vehicles may be obtained each year on each Employee who uses a District vehicle or uses a personal vehicle during the course and scope of District business. Reports showing moving violations, reckless driving, or driving under the influence may result in an immediate loss of driving privileges for that Employee and possible termination of employment.

Employees receiving moving violations or violations for expired State Inspection sticker and/or no proof of insurance while using a District vehicle shall be solely responsible for payment of all fines incurred for these violations. Employees with repeated violations may face revocation of District driving privileges and disciplinary action, up to and including termination of employment.

Nonmoving (other than expired State Inspection sticker and/or no proof of insurance) and parking violations incurred while using a District vehicle may be paid by the District subject to the discretion of the General Manager.

Should an Employee's driving record cause the insurance carrier to increase the rates, the Employee may be required to pay the additional insurance charges if they are allowed to drive a District vehicle or may be subject to disciplinary action, up to and including revocation of the District vehicle privileges and possible termination of employment.

Employees whose business duties regularly involve driving are required to maintain good driving records. Such an Employee whose insurance is dropped or whose license is suspended or revoked may face disciplinary action, up to and including termination of employment.

Employees must be aware and alert regarding vehicle operation and maintenance. When a District vehicle needs maintenance, the Employee is required to have it done in a timely manner.

All repair work, excepting emergency repair work, must be authorized in advance by the General Manager. Receipts for repairs shall be submitted to the Bookkeeper within five days of completion of the work.

If an Employee is involved in an accident while acting in the course and scope of District business, the Employee must immediately notify the General Manager. The employee is required to call the police in this event and request that a police report be completed before leaving the accident site. The employee is required to obtain the name of each police officer who arrives at the accident scene and report this to the General Manager. Any fines issued to the Employee in connection with the accident while on District business are the Employee's sole responsibility.

TRAVEL ADVANCE

Employees who must travel on District business and anticipate significant expenses may receive a travel advance by submitting a written request to the General Manager for approval. All advances shall be requested at least five days prior to of departure.

The employee is responsible for reimbursing the District for any travel advance received and not used. Reimbursement must be made as a direct payment to the District within ten days from the last day of the travel.

CONSIDER THE USE OF A CORPORATE CREDIT CARD FOR BUSINESS EXPENSES WITH THE ~~A~~ APPROPRIATE REVIEW PROCESS INCLUDED

WAGE OVERPAYMENT/UNDERPAYMENT:

The District takes all reasonable steps to ensure that employees receive the correct amount of pay on each paycheck and that employees are paid promptly on the scheduled paydays.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the General Manager or Payroll Manager so that corrections can be made as quickly as possible. If the employee has been underpaid, the District will pay the employee the difference as soon as possible. If the employee has been paid in excess of what he or she has earned, the employee will need to return the overpayment to the District as soon as possible. No employee is entitled to retain any pay in excess of the amount he or she has earned according to the agreed-upon rate of pay. If a wage overpayment occurs, the overpayment will be regarded as an advance of future wages payable and will be deducted in whole or in part from the next available paycheck(s) until the overpaid amount has been fully repaid. Each employee will be expected to sign a wage deduction authorization agreement authorizing such a deduction.

OUTSIDE EMPLOYMENT POLICY

The Brazos Valley Groundwater Conservation District must be all full-time employees' first priority. If a full-time Employee desires to work outside this employment, they may do so, only with advance written approval from the General Manager, and only so long as it does not interfere with their work schedule or performance for the District. Outside employment other than military service that affects attendance, work performance, productivity, or conduct, either directly or indirectly, or that creates a conflict of interest of any kind, is strictly prohibited.

Schedules will not be adjusted and special considerations will not be made for Employees who have outside employment.

Prohibited outside employment includes:

- Performing services for or acting as an agent, officer, employee, director, consultant, partner, or shareholder for any entity which could reasonably be considered a conflict of interest between the Employee and the Employee's duties.
- Receiving personal income or material gain from outside individuals or companies for producing materials or rendering services either during or after working hours, on District premises, using District property, or at any time while performing services on the District's behalf.
- Promoting a personal business at any time during working hours, while using District property, while on District premises, or at any time while representing the District.
- Using the District name as part of any outside promotional campaign or other business endeavor without express knowledge and approval of the General Manager.

An Employee seeking outside employment, must submit the completed "Outside Employment" form located in the Appendix, to the General Manager for approval prior to accepting outside work.

TIME OFF

ABSENTEEISM

Good attendance is essential for the success of the District. Unnecessary absences and tardiness are disruptive and place an unfair burden on fellow employees as well as the District. Unsatisfactory attendance will result in disciplinary action including warnings, suspensions or termination. Repeated tardiness will also subject an employee to the same disciplinary actions.

CALL IN PROCEDURE

If an employee is going to be late or absent from work for any reason, the employee should call and inform the General Manager before 8:00 a.m. on that workday. It is the employee's responsibility to contact the General Manager directly. Failure to call in or merely leaving a message with a fellow employee is unacceptable, and will be considered un-excused. An un-excused absence will result in written disciplinary action.

If an employee is out on consecutive sick days, he or she must ~~keep contact~~ the General Manager ~~each day before 8:00 a.m. of every day he or she is absent~~ informed of their plans.

FAILURE TO CALL IN FOR THREE (3) CONSECUTIVE DAYS WILL BE CONSIDERED JOB ABANDONMENT AND A VOLUNTARY TERMINATION ON THE PART OF THE EMPLOYEE.

VACATION OR TIME OFF REQUESTS

All vacation and leave requests must be approved by the General Manager. In the event of an emergency situation, the circumstances of the situation will be evaluated on an individual basis. Requests for vacation will be approved on a “first come, first served” basis. The General Manager has the right to deny or request rescheduling of a vacation that interferes with any ongoing ~~scheduled District activities or upcoming project or meeting.~~

PERSONNEL RECORDS

The District maintains a separate, confidential file for each employee, which includes the employment application and/or resume, indicates educational experience, and contains experience records and other pertinent information. These records are used for complying with government regulations, providing information for payroll deductions, determining individual eligibility for insurance and other personnel related matters.

Maintenance to keep data up-to-date in the file is important to you and the District. It is the employee’s responsibility to notify the District General Manager or a member of the Board in writing when changes are necessary. Such information includes changes in marital status, numbers of dependents, address, telephone number, and education.

The information contained in an employee’s personnel record is kept confidential to the extent allowed by rules of the TEXAS OPEN RECORDS ACT. Personnel records may be reviewed by a member of the Board in the presence of the General Manager following authorization of the review by the Board at a scheduled meeting of the Board. An Employee’s individual records are available to that employee for review upon request and in the presence of the General Manager.

JOB PERFORMANCE AND EVALUATION

Every employee of the District will have a clearly defined job description for their position. This job description shall provide concise information related to the duties and responsibilities expected of the employee and should be used as part of the criteria for annual performance evaluation. At a minimum, the job description should provide clear designation of a Job Title, Employee’s Direct Supervisor, Pay Grade and Basic Job Duties. Job descriptions should be signed by the employee and General Manager at the time of employment, dated and placed in the employees personnel file.

Annual evaluations should also include the employee’s accomplishments from the past year along with any areas that may need improvement or recommendations for future training or assignments.

An evaluation of your job performance will be conducted at the completion of your first three (3) months of employment. Performance appraisals will be conducted annually thereafter. A current

performance evaluation will be completed prior to any major change in employment status. The purpose of these evaluations is to provide the opportunity for the General Manager and Employee to discuss the employee's performance along with career goals and opportunities. The General Manager will make recommendations to the Board during the budget review and approval process should any salary adjustment be in order.

The annual evaluation should be used as a tool to improve services, correct short comings and define expectations for the new year. Annual evaluations should be signed by the employee and the General Manager, dated and placed in the employees personnel file.

SALARY ADJUSTMENTS

Salary adjustments are to be discussed between the employee and the General Manager. Salary increases may be considered annually on the basis of merit as determined by an evaluation of the employee's record during the preceding year. The Employee's salary is not to be discussed with other employees. Your salary is determined by the nature and complexity of the work involved. Efficiency, competency, helpfulness, attitude, skills and performance are all taken under consideration when salary adjustments are addressed.

OFFICE CONDUCT

RESIGNATION

A two (2) week written notice is requested of all employees who voluntarily terminate. Such resignation should specify the actual reasons for leaving the District. All expense account balances must be repaid, and all keys, building access cards, and all District property must be returned on or before the last working day.

A resigning employee, in addition to being eligible for payment of earned wages up through the last day worked, will also be entitled to any accrued and unused vacation (up to a maximum of four (4) weeks without the approval of the General Manager), provided such employee has completed at least twelve (12) months of active service.

All accrued sick leave and insurance coverage is automatically canceled effective as of the last day of active employment when an employee's services with the District are terminated, whether voluntarily or involuntarily. You will be entitled to extended health insurance coverage for a limited period at your own expense.

CONTROLLED SUBSTANCE TESTING

The District intends to help provide a safe and drug-free work environment for our employees. With this goal in mind and because of the serious drug abuse problem in today's workplace, we enforce the following policy for existing and future employees of the District.

The District explicitly prohibits:

- The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on District premises or while on District business.
- Being impaired or under the influence of legal or illegal drugs or alcohol away from the District or while representing the District, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the District's reputation.
- Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from the District or while representing the District, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the District's reputation.
- The presence of any detectable amount of prohibited substances in the employee's system while at work, while on the premises of the District, while acting in the course and scope of employment or while representing the District. "Prohibited substances" include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to the employee. The District will conduct drug and/or alcohol testing under any of the following circumstances:
- RANDOM TESTING: Employees may be selected at random for drug and/or alcohol testing at any interval determined by the District.
- FOR-CAUSE TESTING: The District may ask an employee to submit to a drug and/or alcohol test at any time it feels that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity, unusual conduct on the employee's part that suggests impairment or influence of drugs or alcohol, negative performance patterns, or excessive and unexplained absenteeism or tardiness.
- POST-ACCIDENT TESTING: Any employee involved in an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test. "Involved in an on-the-job accident or injury" means not only the one who was or could have been injured, but also any employee who potentially contributed to the accident or injury event in any way.
- If an employee is tested for drugs or alcohol outside of the employment context and the results indicate a violation of this policy, or if an employee refuses a request to submit to testing under this policy, the employee may be subject to appropriate disciplinary action, up to and possibly including termination from employment. In such a case, the employee will be given an opportunity to explain the circumstances prior to any final employment action becoming effective.

EMPLOYEE BENEFITS

HEALTH INSURANCE

Because the District is concerned about the health and welfare of the District's employees, a fully paid health insurance plan shall be provided for all full-time employees. Such coverage is provided after the employee has successfully completed ninety (90) calendar days of regular full-time employment. The dependents of an employee may be included on his/her health insurance plan, with the Employee responsible all additional costs related to the dependents after the 90-day period at the Employee's sole cost and expense. The District shall incur no cost for insuring such dependents (dependent as defined by insurance carrier).

RETIREMENT PROGRAM

~~Currently, the District does not have~~ a retirement program for qualified staff, ~~but will implement one in the future.~~ All full-time employees are required to enroll in the retirement plan.

~~FLEXIBLE BENEFIT ACCOUNT—SECTION 125~~

~~Medical Expenses Account—allows full-time employees to pay for most non-covered medical, dental, and vision expenses, deductibles and co-pays up to a limit of \$3,500 per year. The minimum contribution is \$120.00 per year. Employees should be aware that after they have elected the amount to put into an account, any funds unused at the end of the year are forfeited.~~

~~A full-time employee is eligible to participate after the employee has successfully completed one-year of employment.~~

VACATION POLICY

Vacation is a benefit earned through active full-time service. Employees are not eligible for and will not accrue paid vacation leave until they have successfully completed ninety (90) calendar days of regular full-time employment. A new employee will accrue vacation in accordance with the following table:

Completed Yrs. As of Jan 1	Days Vacation	Accrual Rate
1 through 5	10	(5/6 day/mo.)
5 through 10	15	(1 1/4 day/mo.)
10 or more	20	(1.667 days/mo.)

Vacations are taken at a time mutually convenient to the employee and the District. Vacations should be taken during the calendar year in which they accrue. Only when the work schedule makes this impossible, five (5) days, or forty (40) hours ~~one year's accumulated vacation hours, of the vacation~~ may be carried forward into the next year. Any vacation that an employee wishes to carry into the following year in excess of 40 hours ~~one year's accumulated vacation hours~~ (due to workload requirements) must be approved, in writing, by the General Manager. However, the

maximum accrued vacation allowed will be ~~eighty (80) hours~~two year's accumulated vacation hours. Accumulated vacation hours will vary depending on employee length of employment.

On January 1, each employee will receive the vacation time they have accrued during the prior calendar year, less any advances in vacation time they have received. The General Manager will provide to the Board annually, each January, a summary of each employees unused vacation time.

Advancing vacation time to an employee is at the discretion of the General Manager, and requires proper request.

Terminated employees will be paid for all vacation time accrued and not yet taken as of the effective date of termination (up to a maximum of ~~eighty (80) hours total accrued vacation~~two years of accumulated vacation hours) provided they have completed twelve (12) calendar months of employment.

Deductions will be made from the final pay check for any vacation time taken after the first anniversary date that is in excess of the time actually accrued/earned through active service.

Vacations will not be granted as a part of the required two (2) weeks notice of resignation, or as a device to extend the employment date of a terminating employee.

HOLIDAY POLICY

The District observes ten (10) paid holidays each year as follows:

New Year's Day
Good Friday
Memorial Day
Fourth of July
Labor Day
Veterans Day***
Thanksgiving Day
The Friday after Thanksgiving
Christmas Eve
Christmas Day

***Veterans Day may be used as a swing holiday and may be taken by the employee at any time during the year with date taken subject to the approval by the General Manager.

Holidays will be paid as a full workday to all full time non-exempt employees provided such employee has reported for work on the workdays preceding and following the holiday. Should the Employee fail to report for work on the regular work day preceding or following a holiday, for

any reason other than vacation requested and approved in advance, they shall not be paid for the holiday.

If any scheduled holiday falls on Saturday or Sunday, the General Manager will decide when the holiday will be observed.

Holidays which occur during an employee's vacation will be considered a holiday and will not count against vacation time. Holidays should be reported on the Time Sheet.

Holiday time will not be counted in computing overtime.

SICK LEAVE

Employees are not eligible for paid sick leave until they have successfully completed ninety (90) calendar days of regular full-time employment. Sick leave is to be utilized only in the event of actual illness or injury on the part of the employee. Doctor appointments may be scheduled during the normal workweek with approval of the General Manager. The District may require medical documentation for extended periods of sick leave.

The District realizes that, on occasion, an employee may need to be absent from work because of personal illness. To provide for salary continuation in the event of personal illness, regular full-time employees at the District are allowed to accrue sick leave at the rate of ~~one-half (1/2)~~one (1) day per month of service.

Full-time employees will be allowed to accumulate up to a maximum of twenty (20) days accrued sick leave for each full year of employment. Accrued sick leave may carry over with approval from the General Manager.

In order to be compensated for a sick day, an employee must notify the General Manager before 8:00 a.m. on each day of the illness. An employee who does not call in when sick will not be paid for the day, even if he would otherwise be eligible for sick leave.

A non-exempt employee who reports to work then falls ill and makes a request to leave work will be required to report the out-of-work time as sick time on his or her time sheet. When the non-exempt employee has no available sick leave or vacation time, sick time will be deducted from the employee's paycheck.

In the event an exempt employee has exhausted his or her sick leave and other banked leave available, a pay deduction will be taken against the employee's salary on a pro-rata basis for any full day's absence. Special rules apply for the FMLA leave as described below.

Sick leave must be reported on the Time Sheet.

Any accrued unused sick leave is automatically canceled effective with the last day of active employment when an employee's services with the District are terminated, whether voluntarily or involuntarily.

PATERNITY LEAVE

It is the policy of the district to provide up to six (6) weeks of paid leave for the mother of a newborn child. In the case of an adoption, the adoptive parent may also be eligible for up to six (6) weeks of paid leave if the child is under two (2) years of age. Employees shall notify management no later than ninety (90) days prior to their anticipated need for paternity leave. This six (6) week period is a one-time allowance during a twelve (12) month period. The six (6) week period begins at either:

1. the birth of the child;
2. the time custody is finalized after a formal court proceeding; or
3. an agreed upon date between the employee and management

Prior to the start of paternity leave, the employee shall make certain that management has a status report on all current and pending work projects. During the paid leave, the employee should maintain weekly work communication with management.

Upon return to work, management of BVGCD may provide ~~the following~~ reasonable accommodations for the ongoing responsibilities of the mother of the newborn child with prior approval from management.

RESERVATION

The District reserves the right to change or terminate any of the benefit programs or to require or increase employee premium contributions for any benefit program at its discretion and without cause or notice to employees.

FAMILY AND MEDICAL LEAVE

The District complies with requirements of the FAMILY AND MEDICAL LEAVE ACT of 1993 (FMLA). Eligible employees are entitled to take up to 12 weeks of unpaid, job-protected leave in a rolling 12 month period for specified family and medical reasons and for any “qualifying exigency” arising out of a covered military member. The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy.

Eligibility: The Employee must have worked for the District for a total of 12 months, or 52 weeks. The twelve months, or 52 weeks, need not have been consecutive, but the Employee must have worked 1,250 hours or more over the previous 12 month period to be eligible for “unpaid family and medical leave.”

Type of Leave Covered:

ENTITLEMENT TO LEAVE

(A) IN GENERAL

- (1) Up to 12 workweeks of unpaid leave will be granted for the following reasons:
 - (a) for the birth and care of a newborn child of the employee;

- (b) for the placement with the employee of a son or daughter for adoption or foster care ;
- (c) to care for a spouse, son, daughter or parent with a serious health condition;
- (d) to take medical leave when the employee is unable to work because of a serious health condition;
- (e) for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or call to active duty status as a member of the National guard or Reserves in support of a contingency operation.

(2) EXPIRATION OF ENTITLEMENT.--The entitlement to leave under subparagraphs (a) and (b) of paragraph (1) for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

(3) SERVICEMEMBER FAMILY LEAVE.—An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during a single 12-month period.

(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.

A “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves either:

- (A) an overnight stay in a hospital, hospice, or residential medical-care facility including any incapacity or subsequent treatment in connection with such inpatient care; or,
- (B) continuing treatment by a health care provider, which includes:
 - (1) a period of incapacity lasting more than three consecutive, full calendar days and any certain subsequent treatment or period of incapacity relating to that same condition or;
 - (2) any period of incapacity related to pregnancy or for prenatal care; or
 - (3) any period of incapacity or treatment for a chronic health condition which continues over an extended period of time and requires periodic visits to a health-care provider; or
 - (4) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective; or
 - (5) an absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Leave under subparagraph (A) or (B) of subsection (a) (1) shall not be taken by an employee intermittently or on a reduced leave schedule without the approval of the General Manager.

If an employee has accrued paid leave, the employee must first use paid leave concurrently and take the remainder of the 12 weeks as unpaid leave. Pay deductions will be made for any portion of unpaid leave taken pursuant to the FMLA, including intermittent or partial day leave. An exempt employee's partial day absence will be deducted in half-day increments.

When an employee seeks leave for an FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. However, when an employee seeks leave for an FMLA-qualifying event for which the District has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

While an employee is on leave, the District will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If the employee chooses not to return to work for reasons other than a continued serious health condition, the District will require the employee to reimburse the District the amount it paid for the employee's health insurance premium during the leave period.

Because employee and employer contributions to the Retirement Program are based on earnings received, no contributions will be accepted or made during the entire non-paid period of the approved leave of absence.

Vacation and sick leave do not accrue while an employee is on FMLA leave. Vehicle reimbursement will not be paid during FMLA leave.

Except where leave is not foreseeable, all employees requesting leave under this policy must submit the request in writing to the General Manager. When an employee plans to take leave under this policy, the employee must give the District 30 days' notice. If it is not possible to give 30 days' notice, the employee must give as much notice as is practical. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the District's operation.

The District will place an employee returning from FMLA leave in the same job or a job with equivalent pay, benefits and other terms and conditions of employment. The position in which the returning employee will be placed will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority, unless unavailable due to the size of the District's staff and substantial and grievous economic injury to the operations of the District.

The district requires that an employee's leave request due to a serious health condition of the employee or family member be supported by certification from a health care provider. If safety concerns exist, the District may require certification for an employee returning from intermittent FMLA leave.

BEREAVEMENT

In the event of the death of a close family member, the employee, who has completed ninety (90) days of continuous service, will be allowed up to three (3) consecutive workdays' absence with

pay for bereavement and to attend the funeral, with the approval of the General Manager. Exceptional circumstances, such as an out of state funeral, will be handled on a case by case basis, with the approval of the General Manager.

For the purpose of this policy, close family members will include parents, grandparents, spouse, children, grandchildren, siblings, Aunts, Uncles, mothers-in-law, fathers-in-law, sisters-in-law, and brothers-in-law only.

JURY DUTY

The Brazos Valley Groundwater Conservation District respects an employee's duty as a citizen to serve on juries when requested to do so, if at all possible. Any full-time employee receiving a notice to appear for jury duty should notify the General Manager immediately and provide proof of service. When serving on jury duty, the employee will receive pay for the time spent on jury duty during normal working hours, Monday through Friday.

MILITARY DUTY

The District complies with UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA) which prohibits employment discrimination against a person on the basis of past military service, current military obligations, or intent to serve.

Under USERRA, returning service members are to be reemployed in the job that they would have attained had they not been absent for military service, (the "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Reasonable efforts (such as training or retraining) will be made to enable returning service members to qualify for reemployment. If the service member cannot qualify for the "escalator" position, he or she must be reemployed, if qualified, in any other position that is the nearest approximation to the escalator position and then to the pre-service position. While an individual is performing military service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights accorded other similarly-situated individuals on non-military leaves of absence. The time limits for returning to work are as follows:

- Less than 31 days service: By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight hour rest period. If this is impossible or unreasonable, then as soon as possible.
- 31 to 180 days: The employee must apply for reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
- 181 days or more: The employee must apply for reemployment no later than 90 days after completion of military service.
- Service-connected injury or illness: Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

Check with the General Manager for more information regarding Health and retirement plan coverage for service members and FMLA coverage for service members and their family.

Personnel Policy, ~~November 8, 2012~~[October 12, 2023](#)

Individuals performing military duty of more than 30 days may elect to continue employer sponsored health care for up to 24 months; however, they may be required to pay up to 102 percent of the full premium. For military service of less than 31 days, health care coverage will be provided as if the service member had remained employed.

STATEMENT OF POLICY ON CONFLICTS OF INTERESTS AND ETHICS

The District has the right to promote and maintain its valid business interests not only in its dealings with its customers and competitors, but also in its relations with its own employees.

Whenever an employee has a conflict of interest, direct or indirect, in a proposed or actual business transaction in which the District is a party, the employee must inform the District General Manager who will determine whether there is in fact a conflict between the District and the employee's interests and, if so, whether such a conflict will harm the District's interests.

In this policy statement the term "Employee" includes any relative or spouse of the employee, or any of the spouse's relatives who share the same home as the employee.

By direct interest this policy means the interest an employee may have in a firm, corporation, or entity of which the employee is an officer or director or in which the employee owns an equity interest. Equity of less than 5% in publicly held companies need not be considered.

The District discourages gratuities of any kind given by anyone doing business with or soliciting business from the District to employees who evaluate or award bids, negotiate contracts or approve changes in contracts. Not included in this understanding of a gratuity is the simple, casual meal offered by a supplier's representative as a timesaving expediency or normal expression of friendly business relationship. However, the repeated appearance of an employee as the luncheon guest of the same company should be tactfully avoided.

Violations of this policy may result in termination of employment, and reimbursement to the District for any losses suffered as a result of the employee's interests being given preference to those of the District.

The District prohibits any conduct by any employee which is illegal or unethical. Such conduct will not be tolerated.

POLICY ON HARASSMENT AND DISRESPECT

It is the policy of the District to provide employees with a pleasant environment that encourages efficiency, productivity, and creativity. The District strives to maintain an atmosphere of mutual respect and understanding in the workplace.

The District will not tolerate verbal or physical conduct by any employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment. The use of demeaning, belittling, humiliating, insulting, or other forms of disrespectful language toward or about yourself or others is unacceptable.

All forms of harassment and hostility toward others for any reason are prohibited, including sexual harassment and harassment and hostility based on any other protected class in addition to sex. Each supervisor has a responsibility to maintain the workplace free of any form of harassment and hostility.

Actions need not be physical to be offensive and constitute harassment or hostile conduct.

Any employee who believes that the actions or works of a supervisor or fellow employee constitute unwelcome harassment or hostile conduct has a responsibility to immediately report or complain, to his or her supervisor. In no case shall an employee fail to report any such incident later than one (1) week after perceiving the event forming the basis of the complaint. The employee is required to follow the chain of command in reporting any incident of harassment. If the employee perceives that the conduct involves his or her supervisor, he or she must immediately report the actions or words to the General Manager. Only if the employee perceives that the General Manager is involved in the alleged conduct, should he or she report the incident to a Member of the Personnel Committee of the Board. Employees are required to follow the Open Door Policy and must report all forms of harassment or hostile conduct.

All complaints of harassment will be treated with the utmost urgency and investigated promptly.

Any employee, supervisor, or manager who is found to have engaged in harassment or hostility toward another employee will be subject to disciplinary action, up to and including termination.

GENERAL

DRESS CODE

In the interest of presenting a professional image to our customers, we ask that all of our employees observe good habits and personal hygiene. Please dress conservatively and professionally in an appropriate manner for a business office and your specific job.

The key point to sustaining an appropriate business attire program is the use of common sense and good judgment, and applying a dress practice that the District deems conducive to our business environment. If you question the appropriateness of the attire, it probably isn't appropriate.

PROFESSIONAL CONDUCT

It is important that all employees act professionally and courteously inside and outside of the office. When an appointment is made, it is expected that the employee will fulfill his/her obligation. If cancellation of an appointment must be made, it must be done timely and prior to the appointment.

CIVIC ORGANIZATIONS

The District encourages employee participation in civic, community, and service related organizations.

SAFETY

The District makes every effort to keep your work area safe and free from hazards. Your General Manager will assist you with safety and health requirements. You are expected to observe all applicable safety requirements and report immediately any unsafe or hazardous condition to the General Manager.

If, in spite of precautions, you should be injured on the job, you are required to immediately notify the General Manager, who is responsible for notifying the District's insurance carrier. The District's workers' compensation insurance carrier covers job-related injuries.

SMOKING

The District provides a smoke free work environment. Smoking is prohibited inside the District office and District vehicles.

DISCIPLINARY ACTIONS

The District's normal practice is to help you identify problems and to improve your performance and behavior. The specific disciplinary action will normally be based on an assessment of the offense, the circumstances, and your previous record. The District reserves the right to take whatever disciplinary measures it deems to be appropriate, including termination.

Employees who think that they have been disciplined unfairly, too harshly, or inappropriately may appeal the discipline within ten (10) working days by using the Open Door Policy.

Employees who commit acts of violence or other flagrant misconduct or serious safety violations may be suspended at the time of the incident pending a management investigation and review of the matter. Employees found guilty of acts of violence or other flagrant misconduct or serious safety violations may be terminated, effective immediately.

Further, the District supports vigorous enforcement concerning certain criminal actions and if called for, will request local law enforcement agencies to take over investigations and to proceed with the full prosecution of violators of the law.

Upon pleading guilty to or being convicted of any felony or misdemeanor involving moral turpitude, an employee may be terminated, effective immediately.

Nothing herein creates any contractual right.

MANAGEMENT POLICY

DISTRICT GENERAL MANAGER

The District's General Manager is responsible for all daily operations of the District, office and fieldwork. All employees of the Brazos Valley Groundwater Conservation District work directly for the General Manager. The General Manager shall assign duties for all office and field personnel as required to complete the workload of the District. Employees are expected to cooperate and coordinate in a manner to produce an effective and efficient work force.

In order to reduce confusion between the General Manager and Board of Directors, the General Manager will work primarily with the President of the Board of Directors unless otherwise directed. Should an emergency arise, the President of the Board is to be notified. If the President is unavailable, the General Manager is to contact any other member of the Board.

The General Manager will make requests for all major supplies, staff variations, etc. directly to the Board. The General Manager, without the need for further authorization, will approve petty cash purchases and routine office and field operating supplies. Emergency purchases are to be approved by the President of the Board or the Treasurer. Requests for such purchases may be made verbally or in writing. The urgency of the purchase may require notification to the Board after the purchase has been made. The degree of the urgency and resulting method of notification will be left to the discretion of the General Manager as to ensure the continued operation, safety and integrity of the services and facilities. In all cases, the purchase shall be ratified at the next available Board meeting.

The General Manager is responsible for personnel evaluations prior to finalization of the District budget. The General Manager will present recommendations for changes in employment status and monetary compensation variations to the Board of Directors for review. Termination of an employee shall be the decision of the General Manager.

The General Manager's schedule shall remain flexible, due to meetings, out of office duties and general requirements of the position. The General Manager is required to request, with appropriate notice, vacation time. In addition, the General Manager is not to schedule vacation time that will cause his or her absence at a regularly scheduled meeting of the Board. In the absence of the General Manager, no employee may assume the position of supervisor over the remaining employees or over the office or field personnel without prior approval of the General Manager or the Board.

EMPLOYEE ACKNOWLEDGMENT

“MY SIGNATURE HEREON INDICATES THAT I HAVE RECEIVED A COPY OF THE PERSONNEL POLICIES AND PROCEDURES PERTAINING TO THE DISTRICT’S EMPLOYEES. I AFFIRM I HAVE READ AND I UNDERSTAND THE HANDBOOK AND THE APPENDIX “A, B, & C” THERETO AND I WILL ABIDE BY ITS RULES AND PROCEDURES. I FURTHER UNDERSTAND THAT IT IS MY RESPONSIBILITY TO REQUEST CLARIFICATION FROM MY SUPERVISOR OR THE GENERAL

MANAGER IF I HAVE ANY QUESTIONS OR DO NOT UNDERSTAND ANY OF THE CONTENTS OF THESE POLICIES AND PROCEDURES.”

EMPLOYEE’S SIGNATURE

DATE

EMPLOYEE’S PRINTED NAME

GENERAL MANAGER’S SIGNATURE

APPENDIX A

PERSONNEL POLICY REVISION/AMENDMENTS

Adopted	10-15-02
Amended – 5-13-03	Holiday Policy
Amended – 7-14-03	Employee Retirement Program
Amended – 9-7-04	Vehicle Allowance
Amended – 12-13-05	Family and Medical Leave
Amended – 12-13-05	Retirement Program
Amended – 12-13-05	Vacation Policy
Amended – 12-13-05	Deleted Maternity Leave (see FMLA)
Amended – 11-14-06	Updated Pay Information
Amended – 9-11-07	Cell Phone Policy
Amended – 9-11-07	Internet and Email Policy
Amended – 9-11-07	Use of District Vehicles
Amended – 9-11-07	Outside Employment Policy
Amended – 9-11-07	Appendix B
Amended – 11-11-08	Flexible Benefit Account
Amended – 11-11-08	Mediation & Arbitration Policy
Amended – 11-11-08	Dress Code
Amended – 11-11-08	Appendix C
Amended – 01-11-11	Entire Policy and Procedure Manual

APPENDIX B

OUTSIDE EMPLOYMENT

Employee Name:

Job title or position with District:

Name of outside employer:

Address: _____, **City,** _____, **State** _____

Phone No.: _____

Description of job duty for outside employment:

Proposed schedule of hours to be on duty at outside employment:

Date outside employment will begin: _____

Date outside employment will end (if known): _____

Signature

Date

Approved by: _____
Printed Name

Title

Signature of General Manager

Date

APPENDIX C

Wage Deduction Authorization

I understand and agree that my employer, Brazos Valley Ground Water Conservation District, may deduct money from my pay from time to time for reasons that fall into the following categories:

1. contributions I make to the District's retirement plan;
2. contributions I make to the Flexible Medical Expenses Account;
3. if I receive an overpayment of wages for any reason, repayment to the District of such overpayments (the deduction for such a repayment will equal the entire amount of the overpayment, unless the District and I agree in writing to a series of smaller deductions in specified amounts);
4. the cost to the Company of personal long-distance calls I may make, or messages I may send, using Company phones (land lines or cell phones) or Company accounts, of personal faxes sent by me using Company equipment or Company accounts, or of non-work related access to the Internet or other computer networks by me using Company equipment or Company accounts;
5. the cost of repairing or replacing any Company supplies, materials, equipment, money, or other property that I may damage (other than normal wear and tear), lose, fail to return, or take without appropriate authorization from the Company during my employment (except in the case of misappropriation of money by me, I understand that no such deduction will take my pay below minimum wage, or, if I am a salaried exempt employee, reduce my salary below its predetermined amount);
6. the cost of Company uniforms and of cleaning the uniforms (the Company will deduct only the actual price it pays for uniforms and cleaning costs);
7. the reasonable cost or fair value, whichever is less, of meals, lodging, and other facilities furnished to me by the Company in connection with my employment;
8. administrative fees in connection with court-ordered garnishments or legally-required wage attachments of my pay, limited in extent to the amount or amounts allowed under applicable laws;
9. if I take paid vacation or sick leave in advance of the date I would normally be entitled to it and I separate from the Company before accruing time to cover such advance leave, the value of such leave taken in advance that is not so covered;
10. the value of any time off for absences to which paid leave is not applied (non-exempt salaried employees will have all such unpaid leave deducted from their salary, while exempt salaried employees will experience salary reductions only in units of a full day or week at a time, depending upon the exact nature of the absence, unless partial-day deductions are specifically allowed under federal law); and
11. if my employer pays any insurance premiums or retirement system contributions ("payments") on my behalf that I would normally make under the applicable Company benefit plan, the amount of such payments made by the Company, such payments being an advance of future wages payable to me.

I agree that the Company may deduct money from my pay under the above circumstances, or if any of the above situations occur. I further understand that the Company has stated its intention to abide by all applicable federal and Texas wage and hour laws and that if I believe that any such law has not been followed, I have the right to file a wage claim with appropriate Texas and federal agencies.

EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S PRINTED NAME

GENERAL MANAGER

