

ARK-TEX COUNCIL OF GOVERNMENTS

POLICIES AND PROCEDURES MANUAL

MARCH 27, 2014
(As Amended)

FOREWORD

WELCOME TO THE ARK-TEX COUNCIL OF GOVERNMENTS (ATCOG). Of all the contributing factors to the success of this agency, you are the single most important one. Every employee is invaluable in so far as the service each provides and the tremendous amount of talent each brings to this agency. The ATCOG is committed to seeking out employees who have the ambition and dedication not only to do a job, but to put forth that extra effort by using their capabilities and talents to their full extent. This manual has been created to assist you in performing to your fullest potential by stating what is expected of you and what you can expect of the ATCOG.

The ATCOG is dedicated to providing an employment atmosphere that encourages its staff to develop their own personal career objectives and that this agency be a part of them. The longer an employee remains a "Team Member," the more valuable that employee becomes to the organization.

This Policies and Procedures Manual has been developed as a guide for the ATCOG staff in decision making at all levels. This manual is a statement of policies and provides useful information for the continued daily operations of this agency. Although this manual identifies specific policies, it cannot address every conceivable situation. Good judgment, common sense, and sound business practices and principles must prevail in those situations not covered by this manual.

Attachment B of this Manual contains policies that pertain solely to employees involved in the direct delivery of services. For employees involved in the direct delivery of services, Attachment B will take precedence over any and all policies contained in this Manual wherein a contradiction arises.

THIS MANUAL IS NOT AN EMPLOYMENT CONTRACT OR PART OF SUCH A CONTRACT. The Board of Directors of the ATCOG reserves, unto itself, the right to suspend, vary from, modify, or eliminate any matter to which this manual relates, and may do so temporarily or permanently, in whole or in part, generally or in particular cases, and with or without prior notice as deemed appropriate.

INTRODUCTION

The ATCOG was organized by local governmental entities in 1966 and was chartered as a not-for-profit corporation under Chapter 391, Local Government Code. In 1968, it was reorganized by the States of Texas and Arkansas as a sub-state political subdivision. So designated as a political subdivision of the state, the ATCOG can plan, assist local governments, and deliver public services, but has no power to tax or to regulate.

The ATCOG is governed by a Board of Directors, and state law requires that this governing body be composed primarily of local government elected officials.

The ATCOG serves the Northeast Texas and Southwest Arkansas region that is comprised of nine (9) counties in Texas and one (1) in Arkansas, and includes cities, counties, school districts, and special districts with membership open to all interested governmental entities.

PURPOSE

The general purpose of the ATCOG is to plan for the unified, far-reaching development of the region, eliminate duplication of services, and promote economy and efficiency through coordination. The ATCOG:

1. Organizes cooperative projects among local governments to save tax dollars;
2. Provides technical assistance to member local governments in economic development, grant applications, planning, management and other areas;
3. Administers federal or state programs that benefit from regional cooperation;
4. Coordinates federal, state, and local projects or issues that cross the boundaries of individual local governments;
5. Plans for the orderly development of the region and for effective delivery of public services; and,
6. Reviews and coordinates federal, state and local programs of regional significance.

PROGRAMS AND SERVICES

The ATCOG currently has the Executive Division and twelve (12) active Programs:

DIVISION

EXECUTIVE:

Oversight of all staff and programs at ATCOG; Public Relations; Board Support; Intergovernmental Review of Federal Programs; Procurement; Requests for Proposals; Records Management and Networking with Federal, State and local agencies and elected officials.

PROGRAMS

9-1-1:

Regional 9-1-1 Emergency Communications, Rural Addressing and GIS/ Mapping.

AREA AGENCY ON AGING:

Benefits Counseling, In-Home Services, Long-term Care Ombudsman, Advocacy Services, Case Management, Administrative Law Services, Information and Referral, Meals and others.

CRIMINAL JUSTICE:

Criminal Justice Planning, Law Enforcement Training, and Juvenile Justice.

ECONOMIC DEVELOPMENT:

Local and State Regional and Economic Development, and Revolving Loan Programs.

ENVIRONMENTAL:

Solid Waste Management Planning, Water Quality Planning and Land Reuse.

FINANCE:

Budget Preparation, Consolidation, and Execution; Audit; Procurement; and all other Financial Operations.

HOMELAND SECURITY:

Emergency Management Planning, Mutual Aid and Homeland Security Grant Planning.

HOUSING:

U.S. Department of Housing and Urban Development (HUD) Housing Choice Voucher Program (formerly Section 8).

HUMAN RESOURCES:

Employee recruitment, hiring, onboarding, training, compensation, benefits, retirement administration, compliance, policies/procedures and termination; and Receptionist duties.

INFORMATION TECHNOLOGY:

Computers and all Peripheral Equipment and Software, Networking, Video Surveillance, Telephones, Oversight of Training for Systems Support and Oversight of Building Custodial and Maintenance Services.

REGIONAL DEVELOPMENT:

Grant Writing Services, Hazard Mitigation Planning, Infrastructure Development Grant Programs, Marketing and all Special Programs or Projects.

TRANSPORTATION:

Transportation Planning, Rural Public Transportation, Urban Transit and Vehicle Maintenance.

DEFINITIONS, TENSE AND GENDER

DEFINITIONS: For the purposes of these policies the following definitions apply.

Employee includes regular full-time, regular part-time, temporary full-time, and temporary part-time individuals who are listed on the ATCOG's payroll. Employee does not include persons hired under consulting contracts, persons paid by a temporary employment service, or participants in governmental programs unless those participants are also on the ATCOG payroll.

ATCOG or ***COG*** means the Ark-Tex Council of Governments.

Council of Governments means the ATCOG created under Chapter 391 of the Texas Local Government Code as a regional planning commission that is a political subdivision of the State of Texas.

Board of Directors means the policy body of the ATCOG that meets the requirements of Section 391.007 of the Local Government Code.

Officer means a member of the Board of Directors.

Executive Director means the chief executive officer of the ATCOG.

Acting Executive Director is the Deputy Director. In the absence of the Executive Director (ED) and the Acting Executive Director (AED), the AED is responsible for selecting a Director to serve in that capacity.

Director means one of the division directors.

WILL or ***SHALL*** is a directive without discretionary authority.

MAY, as used in these policies, is discretionary and allows options.

TENSE AND GENDER:

Unless otherwise expressly provided, the past, present or future tense will include each other; the masculine, feminine, or neuter gender will include each other.

TABLE OF CONTENTS

INTRODUCTION	3
PURPOSE.....	3
PROGRAMS AND SERVICES.....	3
DEFINITIONS, TENSE AND GENDER	6
TABLE OF CONTENTS.....	7
1.00 GENERAL POLICIES	12
1.01 PURPOSE.....	12
1.02 APPLICABILITY	12
1.03 AUTHORITY.....	12
1.04 POLICY REVISIONS AND CHANGES	12
1.05 MASTER POLICY MANUAL.....	12
2.00 EQUAL EMPLOYMENT OPPORTUNITY	14
2.01 EQUAL EMPLOYMENT OPPORTUNITY	14
2.02 AFFIRMATIVE ACTION.....	14
2.03 COMPLIANCE AND ADMINISTRATION.....	15
2.04 PERSONS WITH DISABILITIES.....	15
2.05 HARASSMENT/BULLYING.....	16
2.06 WHISTLEBLOWERS POLICY	17
3.00 EMPLOYEE RESPONSIBILITIES	18
3.01 GENERAL.....	18
3.02 PROFESSIONAL APPEARANCE.....	Error! Bookmark not defined.
3.03 PERSONAL GROOMING AND HYGIENE	19
3.04 EMPLOYEE BEHAVIOR STANDARD	20
3.05 TIMELINESS AND ATTENDANCE	20
3.06 OUTSIDE ACTIVITIES	20
3.07 GIFTS AND GRATUITIES.....	21
3.08 CONFLICT OF INTEREST.....	21
3.09 POLITICAL ACTIVITY.....	22
3.10 COMMUNICATIONS - GENERAL	23
3.11 COMMUNICATIONS WITH BOARD MEMBERS	23
3.12 COMMUNICATIONS - NEWS MEDIA	24
3.13 CHAIN OF COMMAND.....	24
3.14 TELEPHONE USE.....	25
3.15 TELEPHONE ETIQUETTE	25
3.16 OFFICE ETIQUETTE.....	25
3.17 PERSONAL VISITORS.....	25
3.18 USE OF FAX.....	25
3.19 INFORMATION TECHNOLOGY ACCEPTABLE USE.....	26
3.20 PRIVACY POLICY	30
3.21 VALID DRIVER'S LICENSE.....	31
3.22 VEHICLE INSURANCE	31
3.23 TRANSPORTATION OF CLIENTS	31
4.00 EMPLOYMENT PRACTICES	33
4.01 RESPONSIBLE AGENT FOR APPOINTMENT	33
4.02 METHODS OF RECRUITMENT AND SELECTION.....	33

4.03	HIRING AND APPLICATION PROCESSING PROCEDURES	33
4.04	VERIFICATION OF ELIGIBILITY TO WORK	43
4.05	VERIFICATION OF REQUIRED CERTIFICATE/DEGREE	43
4.06	VERIFICATION OF APPLICATION	43
4.07	EMPLOYMENT-AT-WILL	43
4.08	DISCONTINUATION OF FUNDING	43
4.09	ASSIGNED STAFF	44
4.10	EMPLOYMENT OF RELATIVES (NEPOTISM)	44
5.00	COMPENSATION PROGRAM	46
5.01	POLICY	46
5.02	PURPOSE	46
5.03	CATEGORIES AND CLASSIFICATIONS OF EMPLOYMENT ..	46
5.04	GENERAL PROVISIONS	46
5.05	PAYDAY	47
5.06	PAYROLL DISCREPANCIES	48
5.07	SALARY ADVANCES	48
5.08	PAYROLL DEDUCTIONS	48
5.09	CHANGES TO PAYROLL	48
5.10	PAY INCREASES - GENERAL	48
5.11	APPROVING AUTHORITY	49
5.12	PAY UPON TERMINATION	49
6.00	LEAVE	50
6.01	GENERAL	50
6.02	APPROVAL OF LEAVE	50
6.03	ANNUAL LEAVE ACCRUAL	50
6.04	ACCUMULATION OF ANNUAL LEAVE	51
6.05	PAYMENT UPON SEPARATION	51
6.06	SCHEDULING ANNUAL LEAVE	51
6.07	SICK LEAVE	52
6.08	SICK LEAVE ACCRUAL	52
6.09	USE OF SICK LEAVE	52
6.10	VERIFICATION REQUIRED	53
6.11	ACCUMULATION OF SICK LEAVE	53
6.12	EXHAUSTION OF SICK LEAVE	53
6.13	CONVERSION	54
6.14	CANCELLATION UPON TERMINATION	54
6.15	FAMILY AND MEDICAL LEAVE	54
6.16	MILITARY LEAVE	60
6.17	CIVIL LEAVE	61
6.18	LEAVE OF ABSENCE	61
6.19	REVOCATION OF LEAVE OF ABSENCE	62
6.20	EMERGENCY/BEREAVEMENT LEAVE	62
6.21	EMERGENCY ANNUAL/SICK LEAVE	62
6.22	COMPENSATORY LEAVE	62
6.23	SUBSTITUTION OF LEAVE	63
6.24	ABANDONMENT OF POSITION	63
6.25	INCLEMENT WEATHER	63

6.26	LEAVE DURING INCLEMENT WEATHER	63
6.27	ADMINISTRATIVE LEAVE	63
7.00	EMPLOYEE BENEFITS	64
7.01	GROUP INSURANCE - GENERAL	64
7.02	GROUP INSURANCE - DEPENDENT COVERAGE	64
7.03	GROUP INSURANCE - ELIGIBILITY	64
7.04	RETIREMENT PLAN	64
7.05	RETIREMENT PLAN TRUSTEES	65
7.06	LONGEVITY PAY	65
7.07	SOCIAL SECURITY	65
7.08	UNEMPLOYMENT INSURANCE	65
7.09	EMPLOYEE RECOGNITION	65
7.10	SERVICE AWARDS	67
7.11	LEAVE TIME	67
7.12	HOLIDAYS	67
8.00	HOLIDAYS	68
8.01	GENERAL POLICY	68
8.02	ELIGIBLE EMPLOYEES	68
8.03	HOLIDAY DURING VACATION	69
8.04	WORK DURING HOLIDAYS	69
9.00	WORK SCHEDULES AND TIME REPORTING	70
9.01	DEFINITIONS	70
9.02	OFFICIAL WORK WEEK	70
9.03	OFFICIAL PAYROLL PAYDAY	70
9.04	WORKING HOURS	70
9.05	SCHEDULE ADJUSTMENTS	71
9.06	NUMBER OF HOURS WORKED	71
9.07	OVERTIME - GENERAL	71
9.08	OVERTIME AUTHORIZATION	72
9.09	TIME RECORDING - GENERAL	72
9.10	ACTIVITY TRACKER	72
9.11	BREAK PERIODS	72
9.12	LUNCH PERIOD	72
9.13	TELECOMMUTING	73
10.00	HEALTH AND SAFETY	77
10.01	SAFETY POLICY	77
10.02	EMPLOYEE RESPONSIBILITIES	77
10.03	SAFETY SUGGESTIONS	77
10.04	SAFETY REPORTING	77
10.05	ON-THE-JOB INJURIES	77
10.06	WORKERS' COMPENSATION	77
10.07	DRUG-FREE WORKPLACE	79
10.08	SMOKE-FREE WORKPLACE	80
10.09	HIV/AIDS IN THE WORKPLACE	80
10.10	VIOLENCE IN THE WORKPLACE	81
10.11	GUN-FREE WORKPLACE	83
10.12	USE OF SEAT BELTS	83

10.13	USE OF CELL PHONES WHILE DRIVING	83
10.14	LACTATION ACCOMODATION	83
11.00	USE OF ATCOG PROPERTY	85
11.01	GENERAL POLICY	85
11.02	USE OF TOOLS, EQUIPMENT, AND PROPERTY	85
11.03	USE OF BUILDINGS AND PREMISES	85
11.04	EQUIPMENT POLICY	85
11.05	CREDIT CARD POLICY	85
12.00	DISCIPLINE	86
12.01	GENERAL.....	86
12.02	TYPES OF DISCIPLINE	86
12.03	ADMINISTRATION OF DISCIPLINE	87
13.00	SEPARATIONS	88
13.01	TYPES OF SEPARATIONS.....	88
13.02	RESIGNATION	88
13.03	REDUCTION IN FORCE	88
13.04	TERMINATION	88
13.05	RETIREMENT	88
13.06	DISABILITY	89
13.07	DEATH.....	89
13.08	CALCULATION OF SEPARATION PAY	89
13.09	DOCUMENTATION OF SEPARATIONS	90
13.10	CONTINUATION OF GROUP INSURANCE	90
14.00	GRIEVANCES.....	91
14.01	GENERAL POLICY	91
14.02	GRIEVANCE FILING	91
14.03	FINAL AUTHORITY	91
14.04	GRIEVANCE POLICY/PROCEDURES.....	91
14.05	VIOLATIONS OF GRIEVANCE POLICY/PROCEDURES	97
15.00	JOB DESCRIPTIONS AND PERFORMANCE EVALUATIONS	99
15.01	JOB DESCRIPTIONS	99
15.02	REQUESTS FOR CLARIFICATION.....	99
15.03	EMPLOYEE PERFORMANCE REVIEWS.....	99
16.00	PERSONNEL FILES	101
16.01	GENERAL.....	101
16.02	DISCLOSURE OF ADDRESSES AND TELEPHONE NUMBERS 101	
16.03	REVIEWING PERSONNEL RECORDS	101
16.04	SUPERVISOR'S ACCESS TO PERSONNEL RECORDS	102
16.05	CHANGES TO PERSONNEL RECORDS	102
16.06	PERSONNEL ACTION FORM.....	102
16.07	LEAVE RECORDS.....	102
16.08	INFORMATION REQUESTS & EMPLOYMENT REFERENCES 102	
17.00	TRAVEL AND SUBSISTENCE.....	104
17.01	GENERAL	104
17.02	DAY TRAVEL.....	104

17.03	DAY TRAVEL EXPENSE REPORT	105
17.04	OVERNIGHT TRAVEL.....	106
17.05	OVERNIGHT TRAVEL EXPENSE REPORTS	107
17.06	TRAVEL EXPENSE PROVISIONS	107
17.07	NON-REIMBURSABLE EXPENSES.....	109
17.08	TRAVEL ADVANCES AND APPROVAL	109
17.09	REGISTRATION FEES	109
17.10	TRAVEL REPORT ROUTING AND AUDIT	109
17.11	TRAVEL AND MOVING EXPENSES	110
17.12	NON-TRAVEL EXPENSES.....	110
17.13	OTHER.....	110
18.00	PROFESSIONAL DEVELOPMENT	111
18.01	GENERAL POLICY	111
18.02	SEMINARS AND CONFERENCES	111
18.03	PROFESSIONAL MEMBERSHIPS AND SEMINARS.....	111
ATTACHMENT A		112
ATTACHMENT B		115
ATTACHMENT C		117

1.00 GENERAL POLICIES

1.01 PURPOSE

This manual has been developed to insure that the ATCOG functions as a vital, evolving organization. Generally, the manual will serve as the employee's primary instrument of policy guidance concerning questions of administrative and personnel policies. In regard to the latter, this manual will specifically serve the following purposes:

1. To inform employees as to their rights, duties and obligations in relation to their employer and employment;
2. To inform supervisors as to their obligations toward the employees under their direction and their rights to assign and instruct the employees;
3. To ensure that all Federal, State, and local laws regarding employment and working conditions are fully met.

1.02 APPLICABILITY

The policies contained in this manual shall apply to all employees of the ATCOG, including those who are classified as part-time and/or temporary, as applicable.

1.03 AUTHORITY

Policies contained in this manual have been approved and adopted by the Board of Directors, the governing body of the ATCOG. The Executive Director is responsible for the implementation and execution of these policies. The Executive Director shall have the authority, granted by the Board of Directors, to:

1. Develop and implement administrative and personnel procedures by which to execute these policies.
2. Interpret and render decisions regarding the meaning, scope, and intent of these policies as required.

1.04 POLICY REVISIONS AND CHANGES

From time to time the ATCOG may find it necessary to revise or elaborate on the policies contained herein. Such revisions, changes, additions, or deletions will be approved by the Board of Directors. Upon approval, any such changes will supersede all previous policies of the same nature and will become a part of this manual. Any changes to these policies will be distributed to all employees of the ATCOG without undue delay.

1.05 MASTER POLICY MANUAL

The Human Resources Office (HRO) will maintain the official, updated, master copy of this manual, including all revisions, changes, additions and deletions as

approved by the Board of Directors, if any. The official master copy, maintained by the HRO, will take precedence over all other copies should a conflict or question arise.

2.00 EQUAL EMPLOYMENT OPPORTUNITY

2.01 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the ATCOG to provide equal employment opportunities to all applicants for employment and to all employees. This is in order to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, promotion, demotions, discipline, or any other aspect of personnel administration based on race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws. Employment decisions will be made only on the basis of bona fide occupational qualifications and job-related factors such as education, training, experience, knowledge, attitude, aptitude, and necessary skills and abilities to perform a specific job.

In order for Ark-Tex Council of Governments to ensure it is providing a workplace free of any discrimination or unlawful actions, the Board of Directors has approved an Equal Employment Opportunity (EEO) Plan. The agency and its employees will abide by all guidelines in the EEO Plan. The EEO Plan Policy Statement is included as an attachment in this section (Section 2, Equal Employment Opportunity and Affirmative Action), and will hereafter be a permanent document in the ATCOG Policies and Procedures Manual, with amendments as necessary.

2.02 AFFIRMATIVE ACTION

The ATCOG is committed to maintaining and promoting equal opportunities for all qualified employees, applicants for employment, and program services for clients without regard to their race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws. ATCOG's commitment, in this regard, creates a positive obligation on the part of all management and participants for the adoption of and compliance with this affirmative action policy. Affirmative action includes, but is not limited to, hiring, placement, employment upgrading, promotions or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, selection for training, and services provided to clients. In addition, ATCOG will actively seek qualified members of minority groups and other protected classes in its services to clients and application and hiring processes.

ATCOG will strictly adhere to the Genetic Information Nondiscrimination Act (GINA) as adopted in May 2008, which prohibits the use of genetic information in any employment decisions. Any genetic information obtained inadvertently or willfully conveyed by the employee to the employer confidential and must be kept apart from the personnel file, but will be kept in the medical information file.

2.03 COMPLIANCE AND ADMINISTRATION

It is the responsibility of each and every employee to insure compliance with the Equal Employment Opportunity/Affirmative Action Policy; however, the Executive Director shall have the ultimate responsibility to insure compliance with all phases of this policy.

1. The Human Resources Officer has been designated as the Equal Employment Opportunity (EEO) Officer and, as such, is responsible to administer the ATCOG's Equal Employment Opportunity/Affirmative Action Policy.
2. The EEO Officer will be responsible for:
 - a. Developing and implementing an Affirmative Action Plan.
 - b. Assuring compliance by all employees and reporting any deviation to the Executive Director.
 - c. Maintaining records and preparing status reports as necessary.
 - d. Receiving, investigating, and responding to complaints in accordance with established procedures.
 - e. Insuring that this policy is disseminated to all employees.

2.04 PERSONS WITH DISABILITIES

1. It is the policy of the ATCOG to fully comply with the Americans With Disabilities Act of 1990 (ADA) and the ADA Amendment Act of 2008 (ADAAA) to prohibit discrimination against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.
2. In compliance with the ADA and the ADAAA, the ATCOG will insure all programs and services administered by ATCOG are accessible to qualified persons with disabilities. ATCOG will further provide appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and to enjoy the benefits of its programs and services. All qualified applicants who meet the minimum knowledge/skills/abilities and who are able to perform the essential functions of the position for which they apply with or without reasonable accommodation will be given the same consideration for employment.

2.05 HARASSMENT/BULLYING

It is the policy of the ATCOG to provide an employment environment free of harassment or bullying including, but not limited to, sexual, ethnic, racial, or religious harassment, sexual exploitation, and intimidation or aggressive behavior.

1. **GENERAL HARASSMENT:** Any and all forms of general harassment are strictly prohibited. Slurs, jokes, innuendoes, or other negative verbal or physical conduct intended to demean an applicant, employee or client's race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression shall constitute harassment when it has the purpose or effect of creating an intimidating, hostile, or offensive working environment; or has the purpose or effect of interfering with an employee's work performance; or has an adverse employment effect on an applicant or employee; or has an adverse effect on services provided to a client or program participant. However, this policy is not intended to prohibit the employer from constraining the practice and/or promotion of certain religious acts, creeds, ceremonies, displays, or the attempt at imposing views or attitudes regarding such on others. These actions may in themselves be considered forms of harassment.
2. **SEXUAL HARASSMENT:** Any and all forms of sexual harassment are strictly prohibited. Sexual harassment is defined as any unwelcome sexual advance, requests for sexual favors or other verbal or physical conduct of a sexual nature where any one of three criteria exists:
 - a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or continued employment;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
3. **BULLYING:** Any and all forms of bullying are strictly prohibited. Bullying is defined as any form of intimidation or aggressive behavior in which someone intentionally and repeatedly causes another person injury or discomfort. Bullying can take the form of physical contact, words or more subtle actions or attacks.

It shall be the responsibility of the Executive Director to immediately respond to and investigate all reported first-hand complaints of any form of general or sexual harassment or bullying and to take decisive disciplinary action, up to and including termination, against the offending party.

2.06 WHISTLEBLOWERS POLICY

ATCOG encourages its employees to report improper activities in the workplace and will protect employees from retaliation for making any such report in good faith.

1. **EMPLOYEE RIGHTS:** Employees have the right to report, without suffering retaliation, any activity by ATCOG or an employee of ATCOG that the reporting employee reasonably believes:
 - a. Violates any state or federal law;
 - b. Violates or amounts to noncompliance with a state or federal rule or regulation; or
 - c. Violates fiduciary responsibilities to its employees.

In addition, employees can refuse to participate in an activity that would result in a violation of state or federal statutes, or a violation or noncompliance with a state or federal rule or regulation.

Employees are also protected from retaliation for having exercised any of these rights in any former employment.

The whistleblower protection laws do not entitle employees to violate a confidential privilege of ATCOG (such as the attorney-client privilege) or improperly disclose trade-secret information.

2. **WHERE TO REPORT:** Employees have the duty to comply with all applicable laws and to assist ATCOG to ensure legal compliance. An employee who suspects a problem with legal compliance is required to report the situation(s) to their supervisor or other appropriate member of management, to include the Executive Director.
3. **PROTECTION FROM RETALIATION:** Any employee who believes they have been retaliated against for whistleblowing may file a complaint with ATCOG's Equal Employment Opportunity (EEO) Officer. The EEO Officer, designated by the Executive Director, shall be responsible for receipt, documentation, investigation and report of all such complaints in accordance with established procedures.

3.00 EMPLOYEE RESPONSIBILITIES

3.01 GENERAL

The ATCOG is a political subdivision of the State. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct at all times. Employees are required to give a full day's work, to efficiently carry out the duties assigned as their responsibility, and to do their part in maintaining good relationships with the public, their supervisors, co-workers, and other member government employees and officials.

3.02 PROFESSIONAL APPEARANCE

Employees of ATCOG are employed to provide services to its membership and the public and to perform specific job tasks in a professional and business-like manner. Employees are expected to always maintain a professional appearance and be well groomed, clean, and neat. Employees work attire should complement the environment and reflect an efficient, orderly, and professionally operated organization. This policy is intended to describe guidelines and parameters on what is considered appropriate dress for ATCOG employees.

ATCOG employees should adhere to the following guidelines:

Allowable Dress:

- Wrinkle free slacks/pants/jeans with no holes
- Dresses and skirts no shorter than 3 inches above the knee
- Leggings should not be worn as pants, only under dresses/skirts no shorter than 3 inches above the knee
- Sweaters, collared shirts, and blouses
- Shoes: loafers, flats, dress boots, heels, sneakers/tennis shoes, and sandals

Under certain circumstances, employees may be expected to adopt a more professional attire. When participating in meetings or engaging with ATCOG members, either within the office premises or outside, it is important for employees to maintain a professional appearance and to adhere to the dress code of the event or meeting, whether business casual or business attire. Jeans and casual footwear are not appropriate attire for such occasions unless indicated by the host for special circumstances.

Non-Allowable Dress:

- Sheer, tight, ill-fitting clothing

- T-Shirts unless permitted by Executive Director for special occasion (allowance is sent in an email prior to the date allowed)
 - Sleeveless tops, tank tops, spaghetti straps and cold shoulder tops (under shirts should not be worn as shirts even with jackets or open sweaters worn over)
 - Crop tops
 - Flip flops or sandals that are too casual (Example: Plastic sandals or Crocs)
 - No heels higher than 3 inches
 - Revealing or low-cut tops (exposure on the back cannot be greater than the allowable exposure if the top were turned around)
 - Shorts
 - Sweat pants or joggers
 - Hats, caps, or head coverings, except for religious or medical reasons, or outside work that dictates head coverings
 - No extreme visible piercings (Examples: facial piercings, stretching or gauging in ears)
 - No extreme hair colors
 - Tattoos that are not easily covered
1. Employees involved in the direct delivery of services (drivers and maintenance) will be allowed more flexibility in their dress due to the nature of their work. When appropriate, shorts no shorter than 3 inches above the knee are allowable on any work day. T-shirts that pertain to our agency or the employees' particular program are allowable as well. Sandals and flip flops are not allowed for safety reasons.
 2. When appropriate, Housing Inspectors will be allowed to wear shorts no shorter than 3 inches above the knee on any work day.
 3. Any other styles/clothing items may be identified as inappropriate in written form by the Executive Director.
 4. ATCOG reserves the right to discipline, up to and including termination, any employee who fails to meet these standards.

3.03 PERSONAL GROOMING AND HYGIENE

All employees must practice personal grooming and hygiene on a daily basis. Daily personal grooming and hygiene is not a matter of personal preference, but rather a matter of professionalism, self-esteem, and health.

Any type of strong or overbearing odors can cause problems for customers, clients and coworkers. Keep all scents to a minimum. Hair (including any facial hair) should be cared for and without extreme styles (based on hair type) or cuts.

3.04 EMPLOYEE BEHAVIOR STANDARD

It is the ATCOG policy to maintain the highest standards of professional conduct, courtesy, and respect to our membership, the public, and our fellow employees at all times and to refrain from any irregularity, deception, or action constituting fraud. It shall be the responsibility of each and every employee to adopt an attitude of professional and courteous behavior and to protect ATCOG's financial and material resources at all times.

1. ATCOG employees will abide by the Code of Ethics published by the American Society for Public Administration that incorporates the fourteen general principles of ethical conduct set forth in Executive Order 12674 (Attachment A of this manual).
2. ATCOG utilizes an *Ethics Policy Manual* that was approved by our Board of Directors in December 2010, with amendments as necessary. This manual reinforces ethical standards expected of all staff and provides information on the compliance program used to detect and report any violations. All employees review and are given the Ethics Policy Manual on date of hire. In addition, ethics training is conducted for all ATCOG staff on a yearly basis in February.
3. The ATCOG Board of Directors is required to renew the *Ethics Policy Manual* in September each year, at which time members of the Board are trained on ethical and compliance standards expected of them and all staff.
4. In order to protect ATCOG's financial and material resources, all financials are audited by an external, independent auditing firm yearly. These audits are performed not only to ensure ATCOG employees are abiding by the various state and/or federal agencies' financial and grant requirements, but also to ensure ethical standards are exhibited by the staff performing those duties.

ATCOG reserves the right to discipline, up to and including termination, any employee for conduct which it finds inappropriate or unacceptable when it bears on the reputation of the agency, its employees and its Board members.

3.05 TIMELINESS AND ATTENDANCE

Employees shall be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work in accordance to guidelines set out in Section 9.00, WORK SCHEDULES AND TIME REPORTING. Employees who expect to be late for or absent from work must report the expected tardiness or absence to his or her supervisor in accordance with established procedures.

3.06 OUTSIDE ACTIVITIES

Employees shall not engage in any outside employment, activity, or business enterprise determined by the Executive Director to be inconsistent or incompatible with employment with ATCOG, or which adversely affects the employee's job performance. An employee must have the advance written approval of his or her supervisor and the Executive Director to engage in any outside employment, including self-employment.

3.07 GIFTS AND GRATUITIES

Employees and officers of Ark-Tex Council of Governments (ATCOG) are prohibited from accepting any favor or gift from a person who wants, or may want, or may be seen to want, an official favor within the authority of that employee or officer. It is unethical for any ATCOG employee to accept or give a gift that is meant to sway a decision in favor of the gift-giver. Employees may not:

1. Solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, or any other thing of monetary value, from a person who has, or is seeking to obtain, contractual or other business or financial relations with ATCOG for private interests of the employee. However, this paragraph does not prohibit soliciting or accepting donations or gifts from businesses, regardless of relation to ATCOG, for agency-wide events such as those for employee appreciation and holiday celebrations where items will be distributed among employees at random.
2. Solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself. However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.
3. A gift or gratuity, the receipt of which is prohibited by this section, shall be returned to the donor with a written explanation why the return is necessary.

3.08 CONFLICT OF INTEREST

1. Officers or employees of ATCOG will neither have financial interests in the profits of any contract, service, or other work performed for ATCOG nor derive personal profit directly or indirectly from any contract, purchase, sale, or service between the ATCOG and any person or company.
2. An officer or employee shall not:
 - a. Participate in the selection, award, or administration of a contract in which public funds are used where, to their knowledge, they or their immediate families or partners or organizations in which their immediate families or partners have a financial interest or with whom they are negotiating or have any arrangement concerning prospective employment.

- b. Solicit nor accept gratuities, favors or anything of monetary value from potential or existing contractors, vendors or providers.
 - c. Solicit or accept or agree to accept a financial benefit, other than from ATCOG, that might reasonably tend to influence his or her performance of duties for the COG or that he knows or should know is offered with intent to influence the officer or employee's performance;
 - d. Accept employment or compensation that might reasonably induce him to disclose confidential information acquired in the performance of official duties;
 - e. Accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for ATCOG;
 - f. Make any personal investment that might reasonably be expected to create a substantial conflict between the officer or employee's private interest and duties for ATCOG; or
 - g. Solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as an ATCOG officer or employee in favor of that person.
- 3. ATCOG employees who have responsibilities under other policy boards will adhere to policies set out by those boards.
 - 4. With reference to contracts, no officer or employee of ATCOG who exercises any functions or responsibilities in the review or approval of an undertaking or the carrying out of one of the ATCOG's contracts shall participate in any decision relating to that contract if the decision affects his personal pecuniary interest.
 - 5. A Code of Ethical Conduct, which applies to ATCOG officers and employees, is Attachment A to this manual.

3.09 POLITICAL ACTIVITY

Employees of ATCOG are encouraged to vote and to exercise other prerogatives and rights of citizenship consistent with state and federal law and these policies.

- 1. An employee, in his or her official capacity, may not:
 - a. Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office; or
 - b. 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 political party, committee, organization, agency, or person for a political purpose; or

- c. Use funds provided by State or Federal Agencies to influence the passage or defeat of any legislation or to effect the outcome of any election, with allowable exceptions per U.S. Code of Federal Regulations §1324.19, Duties of the Representatives of the Office (please refer to AAA Policies and Procedures Manual, Chapter IV, Review of Proposed Laws, Regulations, and Policies); or
 - d. Be a candidate for election to a public office held by a member of the governing body of ATCOG.
- 2. In addition, any ATCOG employee who is subject to the provisions of the Federal Hatch Act may not be a candidate for elective office in a partisan election. (A partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected.) ATCOG employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity that is financed in whole or in part by loans or grants made by the federal government.
- 3. An employee's political activity shall not be considered in determining compensation. An employee who runs for election to an elected office will be required to notify the Executive Director of his/her intentions, and will be encouraged, but not required, to take a leave of absence beginning upon filing for elected office and ending upon final election. If an employee is successful in the bid for election, that employee will not be eligible to serve on an ATCOG Board, even though entitled to because of his/her official elected capacity, unless the employee first terminates employment with ATCOG. If the position is a paid elected position, the employee must resign his/her ATCOG position prior to taking office.
- 4. An employee's political activity shall not be considered in determining eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practice to the employee.
- 5. Violation of this policy is grounds for termination and/or disapproval of funding for the position occupied by the employee involved.

3.10 COMMUNICATIONS - GENERAL

The Board of Directors recognizes that communication is a vital and essential part of an effective organization. Based on this premise, it is the policy of ATCOG that employees and board members establish and maintain effective working relationships with each other. Likewise, it is the policy of ATCOG that employees establish and maintain effective working relationships with agencies hired to conduct ATCOG business, with work-related committees or businesses, and with all funding agencies. However, any internal program questions, problems, complaints and/or grievances must follow the Chain of Command in Section 3.13.

3.11 COMMUNICATIONS WITH BOARD MEMBERS

1. Cordial relations between employees and ATCOG board members and/or board members of program-governing bodies are highly encouraged. Employees and board members are encouraged to discuss the status of various programs and to clarify any issues or questions regarding the operations of such programs. However, contact with board members for the following reasons is strictly prohibited:
 - a. To initiate a job related personal grievance. Grievances must be presented in accordance with established procedures for initiating and appealing grievances found in Section 14.00 GRIEVANCES.
 - b. To seek job-related favors or favorable considerations from Board members or other elected officials.
 - c. To solicit support regarding any personnel matter.
 - d. On any matter of a personal nature regarding an employee's job.
2. Matters that involve ATCOG policy, operations, and organization are brought before the Board of Directors by the Executive Director or by a person designated by the Executive Director to do so.
3. An employee may request that a matter be considered by the Board of Directors by submitting a request in writing to the Executive Director. The Executive Director, in consultation with the President of the Board of Directors, shall determine whether the matter warrants the attention or authority of the Board of Directors and will inform the employee of his decision in writing. If the matter merits the attention or authority of the Board of Directors, the Executive Director will forward related documentation to the President of the Board of Directors for the Board's consideration and action. The decision of the Board of Directors shall be final.

3.12 COMMUNICATIONS - NEWS MEDIA

Communication with the news media regarding ATCOG or its personnel is the responsibility of the Executive Director or his designated staff member. In all instances employees are to refer members of the news media to the Executive Director. If a State or Federal agency exception to this policy is required, which allows for the creation of media responses with the approval of the State or Federal governing agency only, staff will provide a copy to the ATCOG Executive Director prior to release of any information or statements.

3.13 CHAIN OF COMMAND

Individual employees are responsible to their designated supervisor. The Executive Director is responsible to the governing body as a whole. Directions regarding work to be done, expected results, and/or the adequacy of work performance, and questions, problems, and/or grievances will follow the chain of command. Violations of this policy may result in disciplinary action, up to and including termination.

3.14 TELEPHONE USE

1. Telephones are to be used for ATCOG business. It is understood that occasional personal calls are necessary; however, use of telephones for local personal calls should be kept to a minimum.
2. Employees should refrain from making personal long distance calls from ATCOG telephones, but use their personal cell phones instead. If it is absolutely necessary for an employee to make a personal long distance telephone call from an ATCOG phone, the call should be charged to the employee's personal credit card.
3. Certain staff are issued cell phones by ATCOG to conduct day-to-day business due to the nature of their work. Personal use of these cell phones is also permissible; however, excessive personal use of work cell phones may result in a charge to the employee if ATCOG exceeds the maximum allowed by the service provider contract.
4. While personal cell phones are allowed to be used by employees during work hours, all employees are encouraged to limit their personal cell telephone calls so as not to unduly disrupt ATCOG business.
5. Use of Bluetooth or similar ear devices is only allowed when the use is necessary to perform ATCOG business.

3.15 TELEPHONE ETIQUETTE

ATCOG employees shall be friendly, helpful, courteous, and considerate when speaking on the telephone.

3.16 OFFICE ETIQUETTE

ATCOG employees will observe proper office etiquette in accordance with established procedures. Employees will refrain from offensive scents in offices, to include strong candles or warmers and excessive perfumes and lotions.

3.17 PERSONAL VISITORS

Employees are encouraged to limit personal visits from friends and family members to break times so as not to unduly disrupt ATCOG business.

3.18 USE OF FAX

Fax machines located throughout the ATCOG are to be used for ATCOG business. It is understood that there may be an occasion when an employee would have need to use a fax machine for a personal fax; however, use of the fax machines for local fax is permitted only if the number and length of fax calls are kept to a minimum. In the event it is absolutely necessary for an employee to send a fax long distance, the long distance fax call should be charged to the employee's personal credit card; otherwise, the employee will be required to reimburse ATCOG for the expense of

the fax call. All fax calls from ATCOG fax machines are computer logged as to date, time of day and telephone number called.

3.19 INFORMATION TECHNOLOGY ACCEPTABLE USE

Internet/Intranet -related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, internet browsing, and File Transfer Protocol (FTP), are the property of ATCOG. These systems are to be used for business purposes in serving the interests of the company, and of our clients and customers in the course of normal operations.

Effective security is a team effort involving the participation and support of every ATCOG employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

The purpose of this policy is to outline the acceptable use of all computer equipment at ATCOG. These rules are in place to protect the employee and ATCOG. Inappropriate use exposes ATCOG to risks including virus attacks, compromise of network systems and services, and legal issues.

This policy applies to employees, contractors, consultants, temporaries, and other workers at ATCOG, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by ATCOG.

General Use and Ownership

1. While ATCOG's network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the corporate systems remains the property of ATCOG. Because of the need to protect ATCOG's network, management cannot guarantee the confidentiality of information stored on any network device belonging to ATCOG.
2. The information contained within all of these systems constitutes official records under the Public Information Act and may be available to the public upon request. See the Texas Government Code, Chapter 552. Requests for records containing confidential information pertaining to the State Long-term Care Ombudsman Program shall be handled in accordance with 26TAC§88.404 & §88.304.
3. Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Individual departments are responsible for creating guidelines concerning personal use of Internet/Intranet systems. In the absence of such policies, employees should be guided by departmental policies on personal use, and if there is any uncertainty, employees should consult their supervisor or manager.

4. It is required that any information that users consider sensitive or confidential be encrypted when sending emails or copying data to an external device.
5. Employees may not transport ATCOG-owned data from the premises without authorization from their supervisors.
6. For security and network maintenance purposes, authorized individuals within ATCOG may monitor equipment, systems and network traffic at any time.
7. ATCOG reserves the right to audit networks and systems on a regular basis to ensure compliance with this policy.

Security and Proprietary Information

1. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. User level passwords are required to be changed every three months. See the ATCOG's Information Security Policy.
2. All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging-off when the host will be unattended.
3. Because information contained on portable computers is especially vulnerable, special care should be exercised.
4. All hosts used by the employee that are connected to the ATCOG Internet/Intranet, whether owned by the employee or ATCOG, shall be continually executing approved virus-scanning software with a current virus database unless overridden by departmental or group policy.
5. Employees must use extreme caution when opening e-mails received from unknown senders, which may contain viruses, malware, or may be phishing emails or Trojan horse coded emails.

Unacceptable Use

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services).

Under no circumstances is an employee of ATCOG authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing ATCOG-owned resources.

The lists below are by no means exhaustive, but attempt to provide a framework for activities which fall into the category of unacceptable use.

System and Network Activities

The following activities are strictly prohibited, with no exceptions:

1. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by ATCOG.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which ATCOG or the end user does not have an active license is strictly prohibited.
3. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
4. Intentional introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
5. Activities that cause congestion or disruption of the network systems, such as streamed media from the internet, i.e., radio or video.
6. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
7. Using an ATCOG computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
8. Making fraudulent offers of products, items, or services or warranties originating from any ATCOG account unless it is a part of normal job duties.
9. Perpetrating security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
10. Port scanning or security scanning is expressly prohibited unless prior notification is made.

11. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
12. Circumventing user authentication or security of any host, network or account.
13. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
14. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.

Email and Communications Activities

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
2. Any form of harassment via email or telephone whether through language, frequency, or size of messages.
3. Unauthorized use, or forging, of email header information.
4. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
5. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
6. Use of unsolicited email originating from within ATCOG's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by ATCOG or connected via ATCOG's network.

Blogging and Social Media Activities

1. Blogging and social media activities by employees, whether using ATCOG's property and systems or personal computer systems, is also subject to the terms and restrictions set forth in this Policy. Limited and occasional use of ATCOG's systems to engage in blogging and social media activities is acceptable, provided that it is done in a professional and responsible manner, does not otherwise violate ATCOG's policy, is not detrimental to ATCOG's best interests, and does not interfere with an employee's regular work duties. Blogging and social media activities from ATCOG's systems are also subject to monitoring.
2. Employees shall not engage in any blogging or social media activities that may harm or tarnish the image, reputation and/or goodwill of ATCOG and/or any of its employees. Employees are also prohibited from making

any discriminatory, disparaging, defamatory or harassing comments when blogging or posting on social media or otherwise engaging in any conduct prohibited by ATCOG's Non-Discrimination and Anti-Harassment policy.

3. Employees may also not attribute personal statements, opinions or beliefs to ATCOG when engaged in blogging or social media activities. If an employee is expressing his or her beliefs and/or opinions in blogs, the employee may not, expressly or implicitly, represent themselves as an employee or representative of ATCOG. Employees assume any and all risk associated with blogging and social media activities.
4. Apart from following all laws pertaining to the handling and disclosure of copyrighted or export controlled materials, ATCOG's trademarks, logos and any other ATCOG intellectual property may also not be used in connection with any blogging or social media activity.

Sanctions and Penalties

ATCOG staff and volunteers who violate security and privacy policies may be subject to sanctions and penalties. The severity of such sanctions and penalties will vary on the basis of whether the violation was deliberate or unintentional, if it was isolated or recurrent, if a breach occurred, and the severity of the breach if so. Sanctions and penalties include, but are not limited to:

- Requirement to undergo retraining in privacy policies and procedures
- Imposition of an employee development action plan
- Suspension
- Termination
- Civil monetary penalties
- Criminal penalties

Definitions

Blogging - Writing a blog. A blog (short for weblog) is a personal online journal that is frequently updated and intended for general public consumption. Blogging may include Twitter, Facebook, Instagram, and other social media/networking sites that support such features.

Spam- Unauthorized and/or unsolicited electronic mass mailings.

3.20 PRIVACY POLICY

In order to promote open and honest communications in the workplace, it is the policy of ATCOG that secret recordings of conversations are prohibited. This policy will preserve the integrity of agency operations and prevent any disruptions that might arise by the absence of open communications within the workplace, as well as prevent violations of any **Health Insurance Portability and Accountability Act (HIPAA)** and/or client confidentiality laws within our programs.

1. Prohibited secret recordings include video recording, audio recording, and the use of electronic devices, including cell phones.
2. Any employee who wishes to record a conversation for a legitimate business need must receive prior consent of all parties to the conversation.
3. Any employee who secretly records conversations at work is in violation of ATCOG policy.

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

Phone lines used for transportation dispatch will be recorded at all times for quality assurance, quality control and employee protection. All calls on these phone lines will be recorded, which includes external incoming calls, intradepartmental calls and outgoing calls.

3.21 VALID DRIVER'S LICENSE

1. Employees who operate their own personal vehicle on ATCOG business shall maintain a safe driving record and shall possess a valid motor vehicle operator's license necessary for legal operation of that vehicle in the State of Texas. Employees shall keep their supervisors informed of any change of status in their license. Failure to maintain a safe driving record may result in disciplinary action, up to and including termination. An individual with a disability who may have a personal driver must assure that the driver meets the same valid motor vehicle operator's license requirements as ATCOG employees if and when being driven by a personal driver on ATCOG business.
2. Suspension or revocation of the driver's license of an employee who is required to drive a personal vehicle regularly on ATCOG business may result in a demotion or termination. ATCOG employees' driving records are subject to being checked to verify that they possess a valid motor vehicle operator's license.

3.22 VEHICLE INSURANCE

ATCOG maintains liability insurance coverage to protect itself in case of a lawsuit. This insurance protects the agency only and does not provide protection for employees who operate their own vehicle while on ATCOG business. Employees who drive a personal vehicle on ATCOG business are required to have automobile liability insurance as required by the State of Texas and to maintain up-to-date insurance coverage. Each employee to whom this provision applies must furnish ATCOG proof of appropriate insurance coverage at least annually and at such time(s) as coverage changes occur.

3.23 TRANSPORTATION OF CLIENTS

The Ark-Tex Council of Governments prohibits employees from transporting program clients and/or participants in personal vehicles. Program client/participant

is defined as any individual receiving assistance and/or services through a state, local or federally funded program administered by ATCOG.

4.00 EMPLOYMENT PRACTICES

4.01 RESPONSIBLE AGENT FOR APPOINTMENT

The Executive Director is the chief executive officer and is responsible for the selection and length of tenure of all employees of ATCOG within the limits of these policies and the overall comprehensive budget. Other supervisors may be asked for recommendations as appropriate. All selection decisions will include a review by the Executive Director of the policies and procedures followed in the search and selection process. The Executive Director may delegate this authority to other staff members at his discretion.

4.02 METHODS OF RECRUITMENT AND SELECTION

The Executive Director has established procedures for recruiting and selecting ATCOG employees. Recruitment and selection will be non-discriminatory and shall be based substantially on bona fide occupational qualifications (BFOQ).

4.03 HIRING AND APPLICATION PROCESSING PROCEDURES

1. **REQUEST TO FILL VACANCY:** When a vacancy exists, a “Position Request” form will be initiated and signed by the Program Manager/Director and Executive Director. The requesting authority will indicate on the form the preferred method of filling the position as outlined below in #2. Requesting authority must state the justification for method selected. Completed Position Request forms, along with a current Job Description, will then be forwarded to the Human Resources Office (HRO) for processing. Job Descriptions must meet the current format stating Essential and Non-Essential Job Functions in accordance with the Americans with Disabilities Act. No consideration will be given to filling a vacancy without a current Job Description having first been constructed.
2. **METHOD OF FILLING POSITIONS:** Vacant positions will be filled by one of the following methods, and it is highly desirable to follow the order of methods described. However, any one of the below-listed methods may be utilized without consideration to the listed order. The Executive Director will have final authority in determining the method to be used in filling vacant positions.
 - a. Promotion of an existing employee provided the employee is qualified for the position.
 - b. Transfer of a qualified employee from another position regardless of current work area.
 - c. In-house advertisement opened to regular full-time, regular part-time and temporary employees only.

- d. Outsourcing to an Employment Agency. This involves placing a requisition for a predetermined fee with a placement agency.
 - e. External advertisement open to the general public as well as current employees, both regular and temporary.
 - f. Recruitment and direct hire of a highly qualified individual.
3. **ADVERTISED POSITIONS:** All advertised positions, In-house and External, will be posted for not less than ten (10) days:
- a. In-House: Employees will be notified of in-house advertisements via email. In-House advertisements will also be posted on bulletin boards where they most likely will be seen by a majority of employees. All field offices will be provided a copy of job advertisements to post.
 - b. External: External advertisements may be posted as described above, in newspapers, on online job boards, and any other publication that will reach the greatest number of applicants for the vacant position. Generally, a closing date will be stated in the advertisement; however, technical or professional positions may be left opened until filled.
- EXCEPTION:** An open advertisement for driver applications will continuously be posted on the ATCOG website. Periodically the HRO will post an advertisement for drivers in local newspapers to accept applications.
4. **ACCEPTANCE OF APPLICATIONS:**
- a. In-House: All In-House applications will be accepted by the HRO via ATCOG online application system.
 - b. External: All external applications will be received by the HRO via ATCOG online application system. Applicants without a personal computer may apply using a computer at any ATCOG office.
5. **APPLICATION SCORING:** Qualified applicants will be scored utilizing a standardized and uniform scoring method that ensures equal consideration is given to all applicants.

- a. Scoring Criteria: The HRO will develop the Application Scoring Criteria taking the following into consideration:
 - (1) Scoring criteria will be based on the Job Description utilizing education, knowledge, skills and abilities.
 - (2) Related college level course work may be used as scoring criteria, provided it was previously identified and stated in the Job Description and Job Announcement.
 - (3) Unrelated education will not be used as scoring criteria unless it exceeds the required educational level as stated in the Job Description and Job Announcement.
 - (4) Unrelated experience will not be used as scoring criteria unless it exceeds the level of knowledge, skills and abilities as stated in the Job Description and Job Announcement.
- b. Scoring Applications: The HRO will establish application questions based on the Application Scoring Criteria. The ATCOG online application system will score the applications as they are received based on the questions. (1) The HRO will review all applications before forwarding to the Hiring Authority. (2) All applications submitted for scoring must be scored in accordance with procedures as stated herein. Deviation must be approved by the Executive Director prior to the commencement of the scoring procedures. (3) Application scoring will be on a “pure” scoring method, i.e., applications will be scored based on items specifically identified on the application and attached documents such as a resume.

EXCEPTION: Driver applications will be reviewed by a designated Hiring Authority in the Transportation Department.

6. INTERVIEW PROCEDURES:

- a. Interview Questions: Interviews will not be scheduled or conducted prior to the development of interview questions.
 - (1) Interview questions will be developed jointly by the Hiring Authority and the HRO utilizing the format provided by the HRO.

- (2) All interview questions must be based on bona fide occupational qualifications (BFOQ); that is, all questions must be relevant to the job requirements that the applicant will be performing as identified by the job description.
 - (3) Interview questions must be submitted to the HRO for review prior to scheduling of any interviews. The HRO will review proposed questions for conformity to all state and federal requirements and relevancy based on the Job Description and BFOQs. The HRO will have final authority as to the construction of questions to be submitted to applicants in the interview process.
 - (4) Upon acceptance and approval, the interview questions may not be changed or modified without review by the HRO. Only approved questions may be submitted to applicants. All applicants interviewing for a specific position must be presented with the same exact questions. Only follow-up questions may differ.
- b. Interview Format: All interviews will be conducted using an “interview panel” selected by the Hiring Authority, or designee. The interview panel will be composed as follows:
- (1) The interview panel will be composed of no less than two (2) regular full-time staff members. The number of staff on the interview panel will be determined by the Hiring Authority. In the case of highly technical or professional positions, external non-staff members who have expertise in the field or area of concentration may be called upon and utilized to compose an interview panel.
 - (2) Members of the interview panel will consist of at least the Hiring Authority or designated representative and a “peer” of the position or similar position if such peer is available. If such peer is not available, a staff member of equal job classification will be used. The third member, if used, will be a regular full-time staff member of equal or higher job classification, within the same area of work. If such staff member is not available, a staff member of a different work area may be used provided such staff

member has sufficient knowledge of the job tasks to be performed by the prospective applicant.

- (3) Composition of the interview panel will not change until all interviews have been completed unless approved by the Executive Director.

c. Scheduling of Interviews: Upon acceptance and approval of the interview questions and the interview panel composition, the HRO and the Hiring Authority, or designee, will jointly determine the interview schedule.

- (1) Interviewees will be given sufficient prior notice of the interview time and date so as to make any personal arrangements necessary to meet the interview schedule.
- (2) The HRO will notify the prospective interviewees, by phone, of the date, time and place the interviews will be conducted. Such notification will be confirmed via letter mailed to applicant's home address or email.

d. Pre-Interview Process: After an interview schedule has been determined and the prospective interviewees notified, the HRO will prepare for the interview process.

- (1) The HRO will develop an interviewer's folder for each member comprising the interview panel and give it to the Hiring Authority, or designee, not less than two working days prior to the scheduled interviews.
- (2) The interviewer's folder will consist of the following items:
 - (a) A Job Description for the position will be attached to the inside left cover of the folder.
 - (b) A complete set of interview documents will be attached to the inside rear cover of the interview folder for each applicant to be interviewed.
 - (c) The set of documents will consist of an Application Processing form which lists all the interviewees' names and date and time of

interview, an interviewer's scoring sheet, a copy of the interviewee's application, test scores (if any), and a copy of the approved interview questions.

e. Conducting the Interviews: The following procedures will apply while conducting interviews.

- (1) The panel member who will be supervising the position will be designated as the panel leader, who will be responsible for conducting the interviews in accordance with these procedures.
- (2) The HRO may participate in or monitor the interview process at any time, and may intercede and prevent an interviewee from answering any unauthorized or prohibited question.
- (3) Members of the panel will conduct themselves in a professional manner at all times. The interviewee shall be made to feel at ease as much as possible. Cordial conversations are permissible; however, discussions regarding any restricted subject matter are strictly prohibited.
- (4) The Receptionist will notify the panel leader when an interviewee arrives. Upon arrival, the interviewee will be presented a copy of the Job Description and interview questions to review. After allowing sufficient time to review, the panel leader will greet the interviewee, exchange introductions, and escort him/her to the interview site. The panel leader will introduce all panel members to the interviewee.
- (5) The panel leader will begin by giving a brief overview of the purpose and functions of ATCOG and explaining the interview procedures in accordance with guidelines. The panel leader will ask if there are any questions regarding the interview process; he/she will answer any questions the interviewee has, insuring the interview process is fully understood.
- (6) After introductions, interview questions will begin.
 - (a) The panel leader may decide if the questions are to be asked singularly by each panel member or in groups of any number as

desired. Allow time for the interviewee to complete the response.

- (b) The same voice inflections and tones will be used as much as possible on all questions to all interviewees.
 - (c) All panel members will take individual notes of answers given to aid in scoring at the conclusion of the interview.
 - (d) At the end of interviews, each panel member will score the interviewee's answers on the questions sheet by circling the appropriate number. Each individual will make his/her own scoring decisions; panel members will **not** collectively decide what score to give on a particular question.
 - (e) Interview panel members will make assessments of the interviewee on each "Interview Score Sheet" to include, but not limited to:
 - 1. Interviewee's name/date of interview
 - 2. Perception of the interviewee's characteristics
 - 3. Strengths and weakness displayed by the interviewee
 - 4. "Total Points from Response Sheet" (Leave "Average Score from All Interviewers" blank for HRO to complete after all interviews have been completed)
 - 5. Signature of interviewer
 - (7) Upon completion of all interviews, the interviewers' folders will be forwarded to the HRO to review and tally interviewers' scores.
- f. Selection Process: Once the interviews are complete and the interview scores tallied, the HRO will take to the appropriate authority the folder containing applications, completed interview questionnaires, test scores, if any, and interviewers' scoring sheets for each interview.

- (1) The Director, program manager or supervisor, as appropriate, will review all interview documents and make a tentative selection, normally the interviewee with the highest interview scores. It is recognized that not all candidates interview alike and the most qualified candidate may not have scored the highest during the interview. Therefore, any one of the three (3) highest scoring interviewees may be recommended for selection provided justification is based on bona fide occupational qualifications (the most qualified candidate).
- (2) The selecting manager or supervisor will complete the applicant selection portion of the Application Processing form. The form will include the grade level of the job and grade step to be offered. Generally, Step "A" is offered to entry-level employees, but a higher step may be offered initially based on level of experience and proficiency possessed. The Executive Director will make the final decision if there is a question about the beginning grade and/or step. Once the Executive Director approves the Application Processing form it will be forwarded to the HRO.
- (3) Upon final approval of selected applicant, the HRO will conduct a check of the applicant's work and personal references. In addition, the HRO will conduct a driver's record check and a criminal background check on all perspective employees. Once completed, the HRO will notify the Hiring Authority or designee that applicant is "acceptable" or "not acceptable."
- (4) If the reference check is acceptable, the HRO will make an offer of employment to the selected applicant in accordance with the procedures herein.

EXCEPTION: Interview process for drivers will be as follows: When a vacancy exists, the Hiring Authority will select candidates from the ATCOG online application system. The Hiring Authority will notify candidates of interview date and time. The Hiring Authority will select at least one (1) other employee to serve on a panel to conduct the interviews. All applicants will be asked a set of questions. Once the interviews are complete, the Hiring Authority will follow the Selection Process.

7. **OFFER OF EMPLOYMENT:** The HRO will make the initial contact with the prospective new employee by telephone followed by a written offer of employment. All offers of employment will include the wage grade and step of the position, will identify any conditions of employment, and will include information regarding employee benefits. Offers of employment may be in one of the two following forms:
- a. Conditional Offer of Employment: This offer is conditioned on the successful completion of other job-related qualification factors. This may also be used should the need exist to perform a medical evaluation to determine if a prospective new employee can physically perform the essential functions of the job.
 - b. Offer of Employment: This offer is not conditioned on any other qualifying factors.
8. **USE OF TEMPORARY AND LEASED EMPLOYEES:** Leased employees may be used in situations where a position is vacant and the workload cannot be distributed to other employees until a replacement is secured. Temporary employees may be used in situations where a position exists and the duration of the job is not projected to continue beyond six (6) months. Routine use of temporary and leased employees is costly, non-productive, and prohibited. The following procedures will apply to use of Temporary and Leased employees.
- a. Length of Employment
 - (1) Leased employees may be hired for a period not to exceed sixty (60) days except where a longer period has been authorized, in writing, by the Executive Director. A copy of any such authority will be attached to the Position Request form and filed with the HRO.
 - (2) Temporary employees may be hired for a period not to exceed six (6) months except where a longer period has been authorized, in writing, by the Executive Director. A copy of any such authority will be attached to the Position Request form and filed with the HRO.
 - b. Requesting Temporary/Leased Employees

- (1) A "Position Request" Form must be completed and signed by the Program Manager, Director, and Executive Director. The signed Position Request Form must then be forwarded to the HRO for processing.
 - (2) The Position Request must state the following information:
 - (a) Type of employee required (temporary or leased).
 - (b) Qualifications desired in the employee. Generally, the qualifications of the position to be occupied or those of a similar position will be used.
 - (c) Hourly wage to be paid for employee's service.
 - (d) Inclusive dates employee's service will be required.
 - (e) Justification or need for the position.
 - (f) Funding source for this position.
- c. Obtaining Leased Employees. The HRO will determine which personnel agency should be contacted and will make such contact. All leased employees will first report to the HRO for initial processing prior to reporting to their work station.
- d. Obtaining Temporary Employees. The Executive Director will determine the method used to select temporary employees. In most instances, temporary employees will be hired by the same methods used in securing regular employees.
- e. Releasing Temporary/Leased Employees: The HRO will be notified one week prior to the end of a temporary/leased employee's assignment, except under the following circumstances, in which case immediate notification is required.
- (1) When the employee is found to be unqualified, non-proficient, or unsuitable for the position they were hired to perform.
 - (2) When the employee is found to be unreliable in reporting for work on time or fails to report to work

without prior permission from the Supervisor or Program Manager.

- (3) The employee knowingly violates the policies and procedures of ATCOG.

Under these circumstances, the Program Manager/ Director will notify the HRO immediately and a joint decision to release the employee will be made. If a leased employee is to be released, the employing personnel agency will be notified by the HRO prior to the actual release of the employee, when possible. The Executive Director must approve the release of Temporary employees except at conclusion of program or work project.

4.04 VERIFICATION OF ELIGIBILITY TO WORK

In order to comply with the Immigration Reform and Control Act of 1986, each new employee is required to complete and sign a USCIS Form I-9 on the first day of employment. Each employee must provide proof of identity and employment eligibility with original, unexpired documents as shown on Form I-9 "Lists of Acceptable Documents."

4.05 VERIFICATION OF REQUIRED CERTIFICATE/DEGREE

If a degree or certification is required in a specific job, a copy of the college transcript or certification must be obtained prior to issuing an offer to hire a prospective employee.

4.06 VERIFICATION OF APPLICATION

Any false statement knowingly made on an Application for Employment in an attempt to secure a position with Ark-Tex Council of Governments **will** result in denial or termination of employment.

4.07 EMPLOYMENT-AT-WILL

All employment with ATCOG is at-will, meaning that your employment can be terminated with or without cause, and with or without notice, at any time, for any lawful reason or for no reason, at the Employer's discretion. Nothing in this manual shall be construed as representing an employment contract either expressed or implied. No supervisor has the authority to make any promises about job security to any employee. At any time either the employee or ATCOG may decide to terminate the employment relationship with or without cause and with or without notice.

4.08 DISCONTINUATION OF FUNDING

Employment at ATCOG is also conditional upon continued funding through various grants from and contractual arrangements with outside funding sources.

Each employee of ATCOG is subject to termination upon discontinuance of available funding, or the lack of necessity, for the employee's position. Employees do not possess any seniority rights to any job positions within ATCOG.

4.09 ASSIGNED STAFF

Staff members who are assigned to ATCOG but are paid directly by another government or private organization are not employees of ATCOG. These employees' benefits are specified in the contract for services. As a condition of their assignment, such staff are governed by all terms of these policies not in conflict with their contract for services.

4.10 EMPLOYMENT OF RELATIVES (NEPOTISM)

1. Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel is forbidden by ATCOG.
2. No person may be hired who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the Board of Directors, to the Executive Director, or to an employee who would supervise the person. No person may continue in ATCOG's employment who is related to the Executive Director or a member of the Board of Directors in one of the prohibited degrees unless the employee has been employed continuously by ATCOG for a period of:
 - a. At least 30 days when the Executive Director or Board of Directors member is an appointed official;
 - b. At least six months when the Board of Directors member is elected at an election other than the general election for state and county officers; or
 - c. At least one year when the Board of Directors member is elected at the general election for state and county officers.
3. In addition, in the interest of effective management, no personnel action will be taken that would result in any employee supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee.
4. Prohibited degrees of relationship are shown in the following charts:

NEPOTISM CHARTS

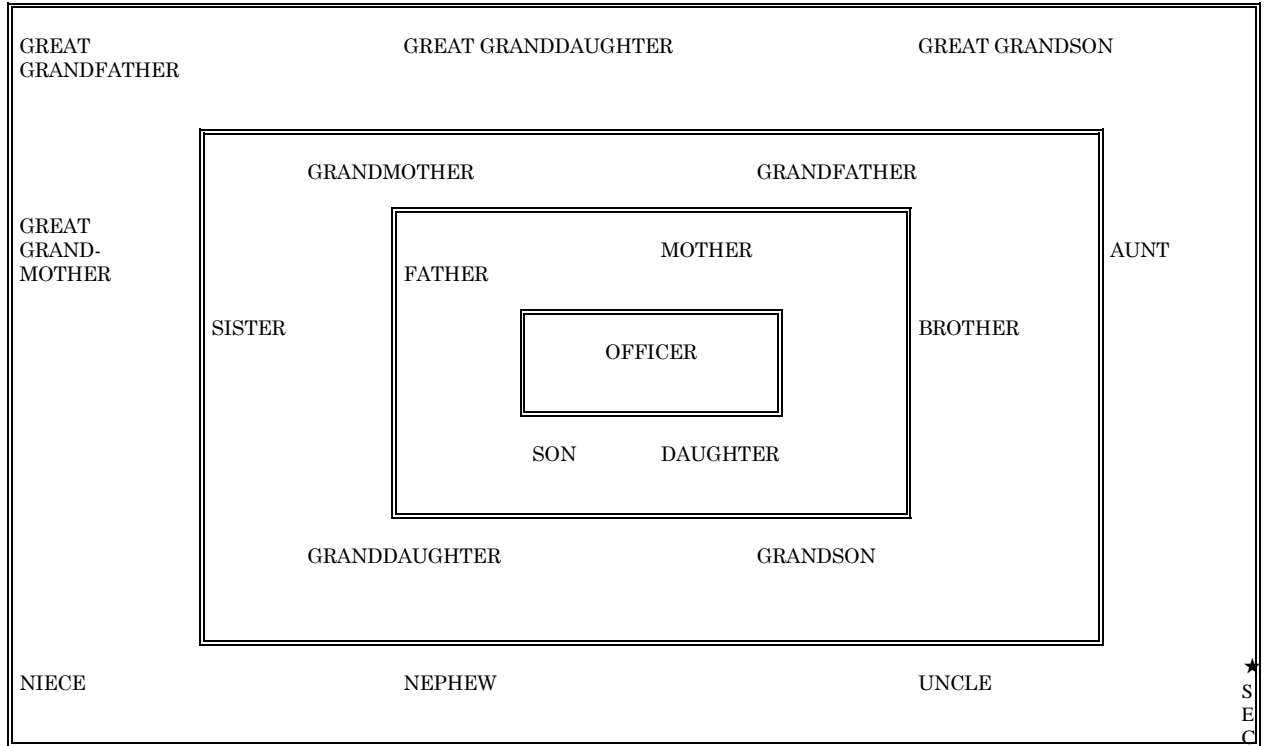


FIGURE 1 – CONSANGUINITY KINSHIP CHART

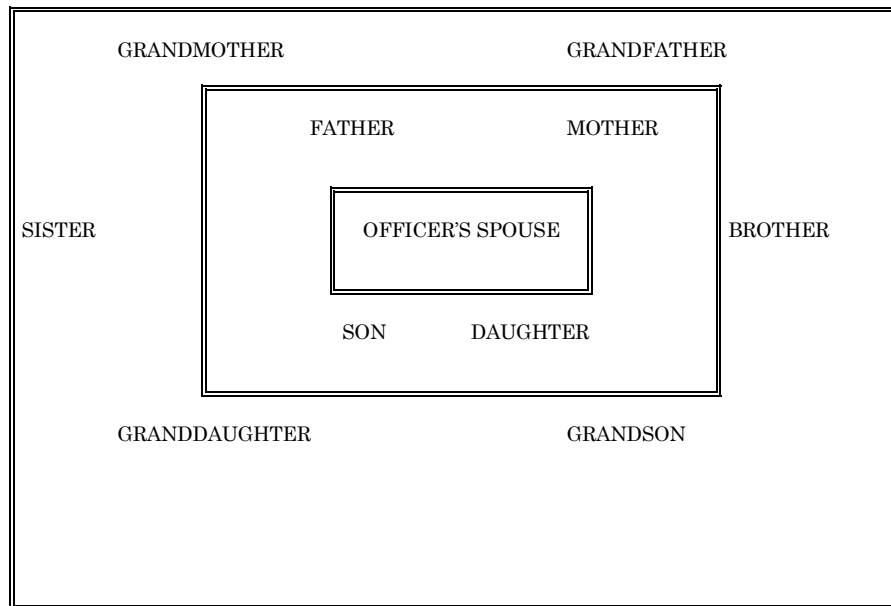


FIGURE 2 – AFFINITY KINSHIP CHART

«Spouses of relatives within the first or second degree of consanguinity (i.e., son-in-law, mother-in-law, brother-in-law, sister-in-law, etc.) are also included in the prohibition.

(Legal Reference: V.T.C.S. Article 5196h.

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5.00 COMPENSATION PROGRAM

5.01 POLICY

The Board of Directors approves the Pay and Classification Schedule and adopts the Annual Financial Work Plan. Wages paid to classes of ATCOG employees are set each year by the Executive Director.

5.02 PURPOSE

To establish procedures for administering a compensation plan that will be competitive in recruiting and retaining highly qualified employees and that will assure compliance with Federal and State laws.

5.03 CATEGORIES AND CLASSIFICATIONS OF EMPLOYMENT

All ATCOG positions, whether occupied or vacant, are allocated to grade levels of work in accordance with the actual duties and responsibilities of the position. There may be one or more positions in a grade level. Pay for each of these grade levels is set forth in the ATCOG Pay and Classification Schedule which is maintained separate from this document. Each of the grade levels has steps assigned with pay increments of approximately three (3) percent between the steps.

5.04 GENERAL PROVISIONS

All pay, wages and other forms of compensation (generally based on 2,080 hours per year, at 40 hours per week) are entirely dependent upon the availability of resources from the local, state, and federal sources that comprise the ATCOG funding base. The establishment of compensation levels in the ATCOG Pay and Classification Schedule reflects the funding restrictions inherent in the above sources as well as the approved ATCOG Annual Financial Work Plan. Pay and salary administration shall be based upon the following:

1. **New Appointments:** Except as provided in paragraph 2 below, a new appointment will be made at step 1 of the grade level of the job for which the appointment is made.
2. **Superior Qualifications:** A “Superior Qualifications” appointment means an appointment made at a step above the first step of the grade level of the job because of superior qualification of the candidate or a special need of the agency for the candidate’s services.
3. **Introductory Period:** Each new employee will serve an introductory period not to exceed nine (9) months. Only employees who meet satisfactory performance standards during this period shall be retained. An employee shall not be retained when, in the judgment of his/her supervisor and the Executive Director, the employee’s performance and/or quality of work are not such as to merit retention in the job. Unsatisfactory or below standard performance resulting in termination may occur at any time within this period and shall not be considered part of the disciplinary process. An employee who fails during the

introductory period may be separated from ATCOG service, or if desirable and advantageous to the Agency, may be transferred to a more suitable position if such a position is available. Supervisors will notify Human Resources when employees are to be removed from the introductory period. Employees must have completed six months of job performance before being removed from the introductory period. Managers and/or supervisors will assure that new employees are given proper training, counseled concerning lack of performance or deficits and what can and should be done to improve performance, and then given an opportunity to respond and improve performance or demonstrate inability.

4. **Merit Pay Increase:** An increase in an employee's pay from one step of the grade of his/her position to the next higher step of that grade can be awarded based on recommendation of the appropriate manager and/or Director and approved by the Executive Director. The Merit Pay Increase is beyond any annual across-the-board cost of living increase and shall be based upon adequate written performance evaluation of employee attitude, motivation, and job execution that must reflect an exemplary level of performance. Merit Pay Increases shall not be used to reward employees for length of service; however, managers and/or Directors will have a means of compensating long-tenured employees who continue to perform in an exemplary manner with the expanded pay steps of the Pay and Classification Schedule.
5. **Promotion:** When an employee is selected for promotion, the rate of pay will be set in the new grade at a step that equals or exceeds two steps of the grade from which the employee is being promoted. When an employee receives a promotion, he/she will serve an introductory period not to exceed nine (9) months in the new position. Supervisors will notify Human Resources when employees are to be taken off the introductory period. Employees must have completed six (6) months of job performance in the new position before being removed from the introductory period. If the employee fails to meet satisfactory performance in the new position, the introductory period may be extended but three (3) months. If the employee continues to fail to meet satisfactory performance in the new job after serving a nine (9) month introductory period, he/she may be downgraded to an available job for which qualified, or the employee may be terminated. If the employee is downgraded, the rate of pay will be set at a step in the job to which downgraded equal to or less than the pay the employee received prior to the promotion. In no case will the rate of pay in the job to which downgraded exceed the rate of pay received in the job prior to promotion.

5.05 PAYDAY

The pay period for the COG is bi-weekly which results in 26 pay periods per year. The payroll periods end on Tuesday and wages are paid the following Friday by direct deposit to an account established by the employee. Direct deposit is required for all employees upon employment, but wages will be paid by ATCOG check only to a new

employee when confirmation for direct deposit has not been received from the bank.

5.06 PAYROLL DISCREPANCIES

An employee must bring any discrepancy in a pay stub (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the Executive Director or Finance Director within seven (7) days of the date the direct deposit pay stub was issued.

5.07 SALARY ADVANCES

Texas Constitution, Article III, Sections 51, 52, and 53 prohibits ATCOG from making salary advances or loans against future wages or salary to any employee for any reason.

5.08 PAYROLL DEDUCTIONS

Payroll deductions, except those required by law, must be approved and authorized by the employee. Deductions will be made from each employee's pay for the following:

1. Social security and Medicare required by federal law;
2. Income taxes in accordance with Internal Revenue Service regulations;
3. Court ordered child support; or
4. Any other deductions required by law or court order.
5. Personal deductions authorized in writing by the employee for:
 - a. Group health/medical, life, or dental premiums for employees, if applicable.
 - b. Group health/medical, life, or dental premiums for dependents.
 - c. Any other deductions requested by the employee and authorized by the agency.

5.09 CHANGES TO PAYROLL

If there is a change in the employee's family status, address, or other factor affecting his or her payroll withholding, the employee is responsible for obtaining, completing, and returning to the Human Resources Office the appropriate forms for communicating these changes to the payroll department.

5.10 PAY INCREASES - GENERAL

The Executive Director shall be the approving authority for all pay increases within the limitations of the approved Annual Financial Work Plan and the availability of

resources. Special adjustment to wages may be granted by the Executive Director when an employee experiences a change in duties or responsibilities, or is recommended for a merit increase. These pay increases will be considered no more frequently than semi-annually as part of the Annual Financial Work Plan preparation process. At the discretion of the Board of Directors, employees may receive a Cost-of-Living wage increase.

5.11 APPROVING AUTHORITY

The Executive Director is the approving authority for all payrolls and any pay adjustments granted under the terms of these policies and the Annual Financial Work Plan.

5.12 PAY UPON TERMINATION

Employees who are terminated or who voluntarily terminate will receive their final wages on the next regularly scheduled payday. Payments of leave benefits, if any, will be paid within fifteen (15) days by direct deposit. The final pay stub will be mailed to the employee's home address or other address provided by the departing employee.

6.00 LEAVE

6.01 GENERAL

Leave is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid. Leave is an earned benefit awarded the employee by the agency for their faithful performance of duty. Paid leave is granted so as to allow employees time away from work while continuing to receive wages. Leave may be in various forms and for varied purposes as defined specifically herein. The various types of leave afforded by the Leave Policy are as follows:

1. Annual Leave
2. Sick Leave
3. Family and Medical Leave
4. Military Leave
5. Civil Leave
6. Emergency Leave
7. Compensatory Leave
8. Leave Without Pay (LWOP)

6.02 APPROVAL OF LEAVE

As required by the Executive Director, all employees shall complete the Leave Request Form for all types of leave and attach it to the appropriate Timesheet (copy included). The form **must** be approved by the appropriate supervisor.

6.03 ANNUAL LEAVE ACCRUAL

All regular employees are eligible to accrue paid annual leave during each "Service Year". ATCOG employees are encouraged to take regular vacations at least annually.

1. For the purpose of this section "Service Year" shall mean the 12 month period from an employee's date of hire forward to the date of anniversary and for each succeeding 12 month period thereafter (requiring 2,080 hours for full-time employees).
2. New employees accrue annual leave benefits from the date of initial hire; however, none may be taken until after successful completion of the new hire introductory period (normally six months). Annual leave will not be paid upon separation during this period.
3. Regular full-time employees earn annual leave as follows:
 - a. During service years one (1) through five (5), employees earn ten (10) days (80 hours) annual leave per year at the rate of 3.08 hours per pay period. No leave is available to use until completion of the new hire introductory period. Employees may accrue a maximum total of ten (10) days without loss of benefits.

- b. During service years six (6) through nine (9), employees earn twelve and one-half (12 ½) days (100 hours) annual leave per year at the rate of 3.85 hours per pay period. Employees may accrue a maximum total of twelve and one-half (12 ½) days without loss of benefits.
 - c. During service years ten (10) until separation or retirement from ATCOG employees accrue fifteen (15) days (120 hours) annual leave per year at the rate of 4.62 hours per pay period. Employees may accrue a maximum total of fifteen (15) days without loss of benefits.
- 4. Regular part-time employees working 30 or more hours weekly earn annual leave in the proportion the employee's work time bears to pay period hours, with the same restrictions during the probationary period.
 - 5. Temporary employees (full-time or part-time) or regular part-time employees working less than 30 hours weekly do not earn annual leave (see Section 13.03 for exception to this policy).

6.04 ACCUMULATION OF ANNUAL LEAVE

Annual leave is credited to an employee's account on the last day of each pay period and is not available for use until the beginning of the next pay period. Annual leave not used by regular employees during the service year in which it accrues is available for use in the succeeding year up to the maximum allowable accumulation as stated in Section 6.03, paragraphs 3. a, b, and c. Employees are encouraged to use their accrued annual leave each year. The maximum allowable accumulation of unused annual leave is the number of days that the employee would accumulate within one service year at his current accrual rate. Under no circumstances will an employee earn more than the maximum allowable leave. Pay in lieu of annual leave is not permitted other than upon separation.

6.05 PAYMENT UPON SEPARATION

When an employee leaves the employment of ATCOG, he will be paid for accrued but unused annual leave not to exceed the maximum amount he normally would accrue as stated in Section 6.03, paragraphs 3. a, b, and c. The rate of pay will be determined by the employee's wage rate in effect at the time of termination.

6.06 SCHEDULING ANNUAL LEAVE

Supervisors should encourage their employees to schedule annual leave and request leave well in advance. All annual leave schedules must accommodate ATCOG's work schedule. Provided departmental workloads will permit, employees should be allowed to select their desired leave periods. If there is a conflict in leave schedules involving two or more employees, employees are granted their preference on a "first come, first served" basis. If two requests are received at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with their seniority. If the desired leave schedules conflict with ATCOG requirements, ATCOG requirements will be given first consideration.

6.07 SICK LEAVE

Sick leave is a benefit that should be used wisely and not abused. An employee with accrued sick leave may use it if the employee is absent from work due to:

1. Personal illness or physical or mental incapacity;
2. Medical, dental, or optical examinations or treatments;
3. Medical quarantine resulting from exposure to a contagious disease; or
1. Illness of a member of the employee's family who requires the employee's personal care and attention. Family member means the following relatives of the employee: Spouse, and parents thereof; children, including adopted children and spouses thereof; grandchildren; parents; brothers and sisters, and spouses thereof; and any human individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

6.08 SICK LEAVE ACCRUAL

Regular full-time employees are entitled to accrue nine (9) days of paid sick leave per year (or the proportional amount for regular part-time employees who work 30 or more hours weekly). Temporary employees (full-time or part-time) or regular part-time employees working less than 30 hours weekly do not earn sick leave (see Section 13.03 for exception to this policy). Sick leave is credited to an employee's account on the last day of each payroll period and is not available for use until the beginning of the next payroll period. At the time an employee's sick leave balance reaches maximum accrual (480 hours), the employee will not accrue any further sick leave nor will the employee be compensated for any excess. **NOTE:** The maximum 480 hours is equivalent to 12 week of sick leave, which is the amount allowed by law under the Family and Medical Leave Act.

6.09 USE OF SICK LEAVE

Accrued sick leave can be used by regular full-time or eligible regular part-time employees from date of hire.

1. Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured in advance. In all other instances, the employee must notify his or her supervisor within 30 minutes after the beginning of the scheduled work time on the first day of absence, unless emergency conditions exist. Employees are **not allowed** to leave a message on the switchboard in lieu of speaking to their supervisor unless the supervisor is in leave status that day. The employee, or a family representative, must call the supervisor each subsequent day he/she will be out on sick leave unless other arrangements are made.
2. Failure to provide the required notice may result in the employee being placed on leave-without-pay status and could result in disciplinary action

against the employee. Employees are expected to return to work as soon as they no longer need to take sick leave.

3. ATCOG does have the responsibility and the right to protect employees from contagious illnesses while at work. Employees who exhibit symptoms of a possible contagious illness while at work (i.e., signs of running a fever) will be asked by a supervisor or member of management to provide proof they are not ill. The employee may do either a or b below:
 - a) Take their temperature at work as proof they do or do not have a fever. If the employee is well, they may remain at work. If the employee is ill, meaning they have a temperature of 100.4 or higher, they will leave work immediately on approved sick leave (or other leave as appropriate).
 - b) If the employee does not wish to take their temperature at work, ATCOG will consider that employee to be ill and will send them home on approved sick leave (or other leave as appropriate).
 - c) In all cases of a contagious illness (such as the flu), the employee will be required to be fever-free without medications for 24 hours and fit for duty when returning to work.
 - d) An employee's medical information is deemed confidential and will be kept private at all times. Only the appropriate person, i.e., supervisor, Administration/HR or the Executive Director, will take care of these sick leave incidences that arise at work.
4. See Section 13.08c. for exception to this sick leave policy.

6.10 VERIFICATION REQUIRED

After an employee has been absent due to illness for three (3) consecutive days, the Executive Director or Manager may request an employee to furnish written medical verification supporting the request for sick leave benefits. However, in all cases, it is a requirement that a written medical note be presented upon return to work when any employee has been on sick leave as a result of hospitalization, surgery or a contagious illness.

6.11 ACCUMULATION OF SICK LEAVE

Sick leave not used by regular employees during the service year in which it accrues is available for use in succeeding years up to a maximum allowable accumulation of sixty (60) days (480 hours). At the time an employee's sick leave balance reaches maximum accrual, the employee will not accrue any further sick leave nor will the employee be compensated for any excess.

6.12 EXHAUSTION OF SICK LEAVE

An employee who has exhausted accrued sick leave benefits and who has completed a new hire introductory period will be required to use accumulated

annual leave. Once all sick leave and annual leave are exhausted, the employee will be on unapproved leave of absence without pay. No advance of unearned sick leave benefits will be made for any reason. An employee who must be on unapproved leave of absence without pay in any twelve month period will be given a written reprimand by the supervisor after the first occurrence. On the second occurrence, the employee **shall** be terminated. This is not to be confused with pre-approved Leave Without Pay in Section 6.18 or FMLA in Section 6.15.

6.13 CONVERSION

When an illness or physical incapacity occurs during the time an employee is on 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 or other acceptable evidence if requested.

6.14 CANCELLATION UPON TERMINATION

Unused sick leave is canceled upon termination of employment without compensation to the employee.

6.15 FAMILY AND MEDICAL LEAVE

It is the policy of ATCOG to provide all employees with 12 accumulative weeks (or 26 weeks if applicable) of Family and Medical Leave in compliance with Title 29, Part 825, Code of Federal Regulations, Family and Medical Leave Act of 1993, within the criteria as set forth in this policy.

NOTE: The following paragraphs do not encompass each and every rule of the Family and Medical Leave Act (FMLA). Please refer to the Family and Medical Leave Act of 1993, as amended in 2008 and 2013, for its entirety.

1. **ELIGIBLE EMPLOYEE:** For the purpose of this policy, an eligible employee is defined as an employee who has been employed continuously by ATCOG for at least the previous 12 months and has worked at least 1,250 hours during those 12 months in a regular position.
Where an employee normally works a part-time schedule or variable hours, the amount of leave to which an employee is entitled is determined on a pro rata or proportional basis. This policy specifically expands the eligibility requirements of the “Act” to include ATCOG employees in field offices who do not qualify under the definition of “eligible employee” due to the 50 employees within 75 miles rule of Title 29, Part 825.
2. **KEY EMPLOYEES:** In accordance with the Family and Medical Leave Act of 1993, this policy may be modified for “**KEY**” employees. “Key” employees are defined, by the Act, as those salaried employees in the top ten percent (10%) of ATCOG’s workforce. “Key” employees will be notified of their status upon request for family and medical leave. The Executive Director will determine and identify “Key” employees, on an individual basis in accordance with governing regulations (29 CFR 825.217 et al).

3. ELIGIBILITY PERIOD: Eligible employees will be allowed 12 accumulative weeks of family and medical leave only once during any 12 month period as defined herein. The 12-month period, for leave eligibility, is calculated on an individual employee basis in a uniform manner for all employees. The 12-month period is measured using the “rolling forward method,” beginning on the date of the first day leave is taken in each eligibility period.

(EXAMPLE: Mary requests and is granted family and medical leave beginning May 1, 1994, and takes the full 12 weeks. She would not be eligible for family and medical leave again until 12 months has elapsed - May 1, 1995).

4. EXPANSION OF LEAVE PERIOD: In the new amendments of 2008, Congress provided up to 26 weeks for employees who provide care to family members who return injured or ill from an active duty deployment. This period of leave protection also can include leave for other circumstances covered by the other aspects of the FMLA. However, in no circumstances will an employee have statutory leave protection for more than a combined total of 26 weeks during a 12-month period.

(EXAMPLE: An employee might qualify for 12 weeks of non-military related FMLA leave for his or her own serious health condition, *and* an additional 14 weeks of FMLA leave to care for a covered service member. No more than 26 weeks may be granted in a 12-month period.)

5. INTERMITTENT LEAVE: The FMLA regulations define intermittent leave as leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time. The FMLA regulations also say there is no limit on the length of an increment of leave when an employee takes intermittent or reduced scheduled leave. However, you can reduce blocks of leave to the shortest period of time that your payroll system uses to account for absences or use of leave, provided it is one hour or less. If an employee is taking intermittent or reduced schedule leave under FLMA, only the amount of leave actually taken may be counted toward the 12 or 26 work weeks of FLMA leave.

6. DEFINITION OF FAMILY MEMBERS: For the purpose of this policy:

“SON or DAUGHTER” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent. The child must be under 18 years of age unless incapable of self-care because of mental or physical disability.

“SPOUSE” means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage.

“PARENT” means biological parent of an employee or an individual who stands in the place of a parent to an employee when the employee was a son or daughter as defined under “Son or Daughter” above. This term does not include “parents in law.”

EXCEPTION: The Act as amended in January 2008 that expands FMLA to cover service members adds “next of kin” defined as “nearest blood relative” and includes brothers, sisters and other blood relations, thus taking FMLA rights beyond the limited circle of children, spouses and parents covered for other statutory leave purposes.

7. **ELIGIBLE CIRCUMSTANCES:** An eligible employee is entitled to 12 unpaid workweeks of leave for a, b, c and d below and 26 workweeks of leave for e below during any 12 month period:

- a. Birth or placement for adoption or foster care of a child (only within 12 months of birth or placement); or,
- b. A serious health condition of a spouse, child or parent; or,
- c. The employee’s own serious health condition. For the purpose of this policy, a “Serious Health Condition” is defined as one that requires either inpatient care or continuing treatment by a health care provider; or
- d. A qualifying family demand, or qualifying exigency leave, as a result of service members being called to covered active duty (which requires deployment to a foreign country). Exigency leave must be granted for short notice deployment, military events and related activities, financial and legal arrangements, counseling, childcare/school activities, parental care leave, and post-deployment activities. Employees may take a maximum of 15 calendar days for Rest and Recuperation (R&R) to spend time with the military member; or
- e. Provide care for family service members with a serious injury or illness incurred in the line of duty. **As of March 8, 2013, the following apply for the purpose of this policy:**

(1) The definition of covered service member not only includes a member of the Armed Forces, including a member of the National Guard or Reserves, but has been expanded to include veterans who were discharged under conditions other than dishonorable at any time during the 5-year period prior to an eligible employee requesting FMLA leave to care for the covered veteran.

(2) “Serious injury or illness” is that incurred in the line of active duty in the Armed Forces, including National Guard or Reserves, for which the service member is undergoing medical treatment,

recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list. This includes pre-existing injuries or illnesses that were aggravated by service in the line of duty.

8. NOTICE REQUIRED: In the case of leave for birth or placement of a child, the employee must provide, to the Executive Director, at least 30 days' advance written notice before the date on which the leave would begin. If the employee is unable to provide 30 days' notice, he/she must provide as much notice as is practicable, usually within one or two business days of the date he/she is aware of the need to request leave and the circumstances surrounding the need. In the case of leave for a serious medical condition, if the leave is foreseeable based on planned medical treatment, the employee must provide the same notice requirements, if possible, and make a reasonable effort to schedule the treatment so as not to disrupt, unduly, ATCOG's operations. Additionally, the written request must include a statement of the employee's intentions about returning to work at ATCOG, at the expiration of the family and medical leave. (NOTE: In the event an employee is off from work three days, it is the responsibility of the employee, or a relative if the employee is severely incapacitated, to notify the employee's supervisor or the Human Resources Office of the need for Family and Medical Leave.)
9. MAXIMUM DURATION OF LEAVE: The total cumulative maximum period of time which an employee may be absent from work on family and medical leave during any 12 month period is 12 weeks (26 weeks of leave for a family member or next of kin to care for a seriously injured or ill member of the Armed Forces), regardless of whether all or a portion of the leave period is paid or unpaid. If an employee has accrued sick leave, annual leave, or personal days at the time the family and medical leave commences, the employee must exhaust those balances before being eligible for unpaid family and medical leave. Once the employee's leave balances have been exhausted, ATCOG will then provide enough unpaid family leave to bring the cumulative total to 12 weeks. All annual, sick, comp, and leave without pay must be annotated on the employee's Time and Attendance Sheet under the appropriate leave column with the number of hours preceded by the letter, "F," e.g., F8. This is necessary since the FMLA requires employers to "keep and maintain records pertaining to compliance with the FMLA, which includes:
 - a. basic payroll and identifying employee data, including name, address and occupation;
 - b. rate or basis of pay in terms of compensation;
 - c. daily and weekly hours worked per pay period;
 - d. additions to or deductions from wages, and total compensation paid;
 - e. dates FLMA is taken by employees (leave must be designated in the records as FMLA leave); and

- f. the hours of the leave, etc., if FMLA leave is taken in increments of less than one full day.

During the unpaid portion of an employee's family and medical leave period, the employee accrues no additional sick leave, annual leave, or any other paid leave time, including holiday leave.

- 10. **LIMITATIONS AND RESTRICTIONS:** Family and medical leave may be taken on an intermittent or reduced basis for the birth or adoption of a child only if the arrangement is agreed to by the Executive Director. However, leave for serious health conditions, either of an eligible family member or the employee, may be taken intermittently or on a reduced schedule if medically necessary, provided the other conditions of this policy are met.
- 11. **TEMPORARY TRANSFER:** If the employee's request for intermittent leave is foreseeable based on planned medical treatment, the Executive Director may require the employee to temporarily transfer to an alternate position, with equivalent pay and benefits, that better accommodates recurring periods of leave.
- 12. **CERTIFICATION OF CONDITION:** An employee requesting a paid or unpaid leave of absence for extended illness or temporary disability must submit the following to the Executive Director:
 - a. A medical doctor's statement as to the diagnosis of the illness, injury, or disability, the date upon which the employee is no longer able to perform duties, and the expected or estimated length of absence; or,
 - b. A medical doctor's statement that the employee is needed to care for an eligible family member, and the expected or estimated length of time care will be needed, and appropriate facts regarding the condition of the eligible family member.
- 13. **RECERTIFICATION REQUIREMENTS:** The Executive Director, at his sole discretion, may require subsequent recertification as may be deemed reasonably necessary.
- 14. **REPORTING REQUIREMENTS:** An employee on family and medical leave must contact his or her supervisor on Monday, before 10:00 a.m., of each week of approved leave, regardless of whether the leave is paid or unpaid leave, unless another schedule has been established in writing and signed by the Executive Director and employee. In cases where the employee is incapacitated or incapable of reporting, reporting by a family member or representative is required. Should the ATCOG office be closed on Monday due to a holiday or other event, the employee or representative must report the next working day as above.
- 15. **DISREGARDING REQUIREMENTS:** An employee who fails to provide the required medical status reports or to report as scheduled may be subject

to disciplinary action, at the discretion of the Executive Director, unless extenuating or unavoidable circumstances can be shown by the employee.

16. ADDITIONAL MEDICAL OPINIONS: ATCOG may require a second medical opinion. The Executive Director shall be responsible for the selection of a health care provider for this purpose. If the second medical opinion conflicts from the original, a third medical opinion may be sought at the discretion of the Executive Director. A health care provider selected by both providers of the original and second medical opinions will be used to render a third and final medical opinion, if necessary. If additional medical opinions are sought by ATCOG, then, ATCOG shall bear the full expense of such opinions and will obtain medical opinions from independent health care providers who are not employed by or associated with ATCOG or its Board of Directors. In the event a third opinion is necessary, the third opinion will be final and binding on all parties.
17. RETENTION OF BENEFITS: An employee on family and medical leave will retain all accrued seniority and employment benefits, but does not earn any leave credits or other benefits during the period of unpaid leave. After returning to work from family and medical leave, an employee receives an adjusted employment date and adjusted anniversary date which reflect the period of time the employee was on unpaid family leave for the purpose of calculating leave accrual and any other benefits based on longevity:
 - a. Regardless of whether the family and medical leave period is paid or unpaid, or combination of both, the employee's health benefits coverage, including dental, life and supplemental disability, 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 leave period. Dependent health coverage, if any, will continue in the same manner provided the employee continues to pay the premiums for such coverage. The employee's dependent coverage premiums are due on the 25th day of the month preceding the month of coverage. Dependent coverage will cease if the employee fails to make timely premium payments.
 - b. Should an employee decide, at any time after family and medical leave begins, that he or she will not return to work at ATCOG, the employee must reimburse ATCOG for health coverage premiums paid by ATCOG on behalf of the employee during the unpaid portion of leave period. An employee will be exempt from the pay back provision of this policy if 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. Health conditions must be certified and circumstances verified, to the Executive Director, prior to granting exemptions.
18. PERFORMING WORK DURING FMLA LEAVE: Any employee of ATCOG who is on approved FMLA leave is strictly prohibited from performing work for another employer during the FMLA leave period. This policy applies regardless of whether all or a portion of the leave

period is paid or unpaid. If an employee performs work for another employer during approved FMLA leave, their employment with ATCOG will be terminated.

19. RETURN TO WORK: After completion of an approved family and medical leave, for an employee's own serious health condition, the employee may return to work only upon submission of a medical doctor's statement releasing the employee to duty and stating any limitations to duty, if any, and reasonable accommodation that would be necessary for the employee to return to work. In the event that limitations are applied to a returning employee, the provisions of the Americans with Disabilities Act of 1990 will apply when considering reasonable accommodations. After completion of an approved family and medical leave, an employee will be returned either to the same or substantially similar position held before the leave began with equivalent pay, benefits, and other terms and conditions of employment.
20. ADMINISTRATION OF POLICY: The Executive Director will have the responsibility of ensuring the equal administration of this policy to all employees of ATCOG. In so doing, the Executive Director shall have the authority to promulgate procedures, to include reports and forms, necessary to administer this policy. Further, the Executive Director may delegate this authority to the appropriate staff member as deemed necessary.
21. CONFIDENTIALITY: All medical documentation, as well as documents pertaining to this policy, shall be kept in a confidential medical file, maintained separate from the personnel files and accessible to a limited number of persons only on a "need-to-know" basis. (Legal reference: U.S. Americans with Disabilities Act of 1990.)

6.16 MILITARY LEAVE

1. In the event of a declaration of war by Congress, a Presidential Call-up due to a national emergency or military action, activation by the Governor of the State of Texas or Arkansas, due to a State of Emergency or Civil Disobedience, or any other official action having the effect of activating reserve military personnel, ATCOG shall grant leave in accordance with the Veterans' Re-employment Rights Law, 38 US, for the duration of official activation, including all extensions to orders. Consistent with federal statutes governing an employer's responsibilities toward an activated reservist, the employee's position, or a comparable job opening, shall be held until the individual has been released from active military duty. Such position may be filled on a temporary basis by temporary employees or appointees should agency programs require restaffing to meet workload requirements.
2. For the purpose of this policy, leave approval shall be provided by the Director, as applicable. In the absence of the correct approving authority, the Executive Director's approval shall be required. The Executive Director shall provide approval for the Directors as applicable. The President of the Board of Directors shall provide approval for the

Executive Director. All approvals shall be based on presentation of a written request for leave by the employee, with an attached set of official orders to report for active duty, annual training, schooling or emergency military service.

6.17 CIVIL LEAVE

ATCOG employees are entitled to civil leave with pay for jury duty, for serving as a subpoenaed witness in an official proceeding, and for the purpose of voting. Employees who receive a subpoena for jury duty or for serving as a subpoenaed witness in an official proceeding will complete the Leave Request Form. A copy of the jury summons or subpoena and proof of jury duty must be attached to the leave request. When an employee has fulfilled the civil leave, he must return to duty for the remainder of the workday at ATCOG.

6.18 LEAVE OF ABSENCE

Pre-approved leave of absence without pay is an approved absence from duty in a non-pay status that has been scheduled in advance. Extensions may be granted for not more than ten (10) working days.

1. Granting a pre-approved leave of absence without pay requires Executive Director approval.
2. Such leave is authorized only when all annual leave, sick leave (if applicable to the situation), and personal days has been exhausted and there is a reasonable expectation that the employee will return to employment at the conclusion of approved period.
3. Employees on leave of absence without pay accrue no benefits. However, previously accrued benefits, (except paid leave) and seniority are retained during leaves of absence unless otherwise prohibited by the terms or provisions of the benefit programs.
4. Medical insurance can be continued if the employee pays the premiums (including ATCOG's portion) in full prior to commencing leave of absence. ATCOG's benefit plan or insurer may limit the length of time the medical benefits may be continued.
5. Extensions of pre-approved leave without pay will require approval of the Executive Director.
6. Except as required by law, no approved leave of absence may last longer than 180 consecutive days. Any employee who, for any reason or combinations of reasons, is absent from the job for a total of 180 consecutive calendar days of work in a 12-month period will be terminated. The Human Resources Office will process the employee's termination on the 181st day. This policy does not affect any benefits or rights granted by law.

6.19 REVOCATION OF LEAVE OF ABSENCE

A leave of absence without pay may be revoked upon receipt of evidence that the cause for granting the leave has ceased to exist or the employee misrepresented material facts to gain such leave. Such misrepresentation may result in disciplinary action, up to and including termination.

6.20 EMERGENCY/BEREAVEMENT LEAVE

Up to three (3) days of emergency/bereavement leave with pay may be granted to all regular employees regardless of length of service by the Director/Manager with the approval of the Executive Director in the event of a catastrophic family emergency. Requests for emergency/bereavement leave will be made by completing the Leave Request Form unless the death or emergency occurs during non-working hours, in which case the employee will notify his/her supervisor immediately. The supervisor will determine the number of days up to three (3) based on the circumstances, e.g., nature of emergency, relationship of family member (see Section 6.07 for definition), distance to family member locale, etc. NOTE: Any leave the employee requests in addition to emergency/bereavement leave will be charged to the appropriate category, annual leave or sick leave, depending upon the circumstances.

In addition, one (1) day of emergency/bereavement leave or sick leave, depending upon the circumstances, may be granted to attend funeral services of other family members of employee and spouse, as follows: grandparent, niece or nephew, and aunt or uncle.

6.21 EMERGENCY ANNUAL/SICK LEAVE

Employees who have a need for annual or sick leave due to an unforeseen circumstance or illness will notify his/her supervisor within 30 minutes after the beginning of the scheduled work time on the first day of absence. As soon as the employee returns to work, he/she will complete the Leave Request Form in order to formally document the absence.

6.22 COMPENSATORY LEAVE

Employees who work in excess of 40 hours in a seven-day workweek will be compensated with compensatory leave at one and one-half hours times the overtime hours worked. Compensatory leave is earned at straight time at the end of the pay period when the total number of hours recorded as worked plus the total number of hours of paid time off or paid holidays exceeds 40 hours in one workweek provided the total of number of actual hours worked does not exceed 40 hours. Compensatory leave is credited to an employee's account on the last day of each pay period and is not available for use until the beginning of the next pay period. Pay in lieu of compensatory leave is not permitted other than upon separation. At the discretion of the Executive Director, employees involved in the direct delivery of services for the rural transportation program may be paid for accrued compensatory leave to deplete compensatory leave totals when it is in ATCOG's best interest. Employees must use all compensatory time before using annual or sick leave unless annual will meet maximum accrual within 30 days.

Employees with 20 or more compensatory hours must schedule leave and be given priority for that leave to be taken. Employees must schedule accrued compensatory hours within 12 months of accrual.

6.23 SUBSTITUTION OF LEAVE

Except when specifically authorized by the Director, one type of leave will not be substituted for another when the balance of the original requested leave is insufficient or nonexistent.

6.24 ABANDONMENT OF POSITION

Unauthorized absence from work for a period of three consecutive work days will be considered by the Executive Director as a resignation, and the employee is not eligible for rehire. Unless supporting documentation can be presented to the Executive Director to prove extraordinary circumstances, the employee's resignation in this situation is not considered to be in good standing.

6.25 INCLEMENT WEATHER

In the event of severe inclement weather, the Executive Director will make a determination by 7:00 a.m. whether or not to close the ATCOG offices. Once the decision is made, the Executive Director will call appropriate local radio and/or TV stations and provide a statement of closing to be aired. In addition, the Executive Director or a designee will utilize a mass communication system to contact all employees. If for some reason the system is not available for use, then the Executive Director or a designee will call each of the program heads to advise them of his decision. If the decision is made to close the ATCOG offices, a message will be called into the ATCOG answering machine. Employees shall take responsibility to call the ATCOG offices if they have not received notification of any kind and have not heard any news from the radio or TV stations concerning closure of ATCOG. If determination is made **not** to close the ATCOG offices, then a liberal leave policy will be in effect whereby employees may use annual leave if they feel they cannot make it into work.

6.26 LEAVE DURING INCLEMENT WEATHER

If determination is made by the Executive Director to close the ATCOG offices during inclement weather or other unforeseen emergencies, those employees who are scheduled for annual leave, comp time, administrative leave, or personal time off **will** be charged leave.

6.27 ADMINISTRATIVE LEAVE

The Executive Director shall have the authority as granted by the Board of Directors to award administrative leave in certain situations and at his discretion to all or individual employees. Employees who are already on scheduled annual, personal or sick leave when the administrative leave is awarded will be charged the scheduled leave.

7.00 EMPLOYEE BENEFITS

7.01 GROUP INSURANCE - GENERAL

All regular full-time ATCOG employees and regular part-time ATCOG employees working 30 or more hours weekly are eligible for medical, dental, and life insurance. Upon employment, each eligible employee who elects insurance coverage will be given summaries of coverage and will have access to our health carrier web site containing information about ATCOG's group insurance programs. Based on annual Board approval, the following coverage will be provided by ATCOG, at a minimal cost if applicable, to the employee as long as the employer/employee relationship exists.

1. Group Medical. Hospitalization medical insurance will be provided and subject to the terms and conditions, including deductibles and co-payments, as defined by the master policy.
2. Group Dental. Dental insurance will be provided to ATCOG employees subject to the terms and conditions, including deductibles and co-payments, as defined by the master policy.
3. Group Life. Term Life insurance will be provided to ATCOG employees in an amount equal to one (1) times the employee's annual wages and subject to the terms and conditions as defined by the master policy.

7.02 GROUP INSURANCE - DEPENDENT COVERAGE

Employees may elect to cover eligible dependents with the above listed group insurance. Employees are required to pay the full premium for dependent insurance through payroll deduction. One-half of the premium is deducted from the employee's pay each pay period. Dependent insurance coverage is subject to the terms and conditions contained in the master policy documents that may be reviewed in the Human Resources Office.

7.03 GROUP INSURANCE - ELIGIBILITY

Eligibility is subject to the terms and conditions contained in master policy documents that may be reviewed in the Human Resources Office.

7.04 RETIREMENT PLAN

1. **ATCOG RETIREMENT PLAN**. Effective January 1, 2017, ATCOG participates in the Texas County & District Retirement System (TCDRS) for the benefit of all regular full-time employees and regular part-time employees. Employees contribute 4% of their salary into their retirement fund each payday on a pre-taxed basis, and ATCOG matches employee contributions at 200%, or an additional 8% each payday. Employees become 100% vested after 8 years of employment and are eligible for retirement benefits at age 60, if vested. In addition, the Retirement Plan Trustees Committee and the Board of Directors have approved adoption of the rule of 75 for retirement eligibility (total of your age plus years of

service) and/or 30 years of service regardless of age. Employee retirement accounts will earn 7% compounded interest yearly.

If an employee ceases employment prior to 8 years of service, regardless of reason, he/she then becomes eligible to withdraw the funds the employee has contributed, minus taxes and/or IRS penalties, if applicable. No matching ATCOG funds are available to that employee since vesting has not been achieved. Employees that attain retirement eligibility will receive a monthly, defined retirement amount based on the dollars that are in their respective retirement account. No partial lump-sums are payable at retirement and no in-service withdrawals can be made.

The plan Participation Agreement is available for inspection in the Human Resources Office.

7.05 RETIREMENT PLAN TRUSTEES

ATCOG's Retirement Plan Trustees are made up of four (4) Board members and four (4) staff members. There has been a scheduled and systematic approach established for selection of two staff. The Executive Director and Deputy Director are fixed positions, as are the Board member positions which are appointed by the ATCOG Board President. Every September a staff person is elected by their peers to be a member of the Trustees for a 2-year period with the oldest serving staff member rotating off the committee.

7.06 LONGEVITY PAY

Longevity pay is provided in an effort to recognize long-term employees and provide an incentive for retention of such employees. ATCOG will provide longevity pay of **\$3.00 per each month of service** for all full-time employees who are employed on December 31st each year and who have completed a **minimum of thirty-seven (37) consecutive months of employment with ATCOG**.

7.07 SOCIAL SECURITY

All employees of ATCOG are covered by social security. ATCOG and employees each contribute to the social security system as prescribed by law.

7.08 UNEMPLOYMENT INSURANCE

All employees are covered under the Texas unemployment compensation insurance program, premiums for which are paid by ATCOG. This program provides payments for unemployed workers in certain circumstances.

7.09 EMPLOYEE RECOGNITION

An award for exceptional performance entitled "Employee of the Year" will be granted to an employee one time per year. All regular full-time or part-time employees who have satisfactorily completed the introductory period are eligible for nomination, except for the standing members of the Employee Recognition Selection Committee. Employees who have been previously recognized may not

be nominated for four (4) years from the period for which they are recognized. Any ATCOG employee can nominate another employee provided the nominee is not his/her supervisor or anyone in the nominator's chain of command – both downward and upward. The Executive Director, Deputy Director and Human Resource Officer are **not** eligible to nominate any employee. Nominations should be typed and hand-delivered or emailed to the Human Resource Officer (HRO) to hold for the Employee Recognition Selection Committee meeting. Anonymous nominations will not be accepted.

2. Criteria for nominations may include, but is not limited to:
 - a. Work of exceptional quality and/or quantity.
 - b. Use of creative, innovative, or time or cost-saving method to produce a desired project or service.
 - c. Evidence of initiative, responsibility, and/or growth within the position.
 - d. Contribution to intra- and inter-departmental cooperation.
 - e. Evidence of consistent dependability, reliability, and punctuality.
 - f. Representation of ATCOG in a positive manner in all external contacts (i.e., general public, elected officials, funding agencies, contractors/vendors, etc.)

Nominations are confidential and nominees are **not** to be told they have been nominated. Nominations for Employee of the Year must be submitted during the month of August each year. Nominations will be accepted beginning the first business day of August and must be submitted no later than the first business day in September.

3. Members of the Employee Recognition Selection Committee will serve for four (4) years. As an employee is selected for recognition, that employee will then become a member of the Committee and the oldest-serving current member will rotate off. In the event a committee member leaves employment with ATCOG, the Deputy Director and/or Human Resource Officer will fill the vacancy as needed. After the nomination deadline, the Committee will meet to discuss the nominations and select an employee. The Executive Director will be a permanent member of the Committee and will vote in case of a tie. The recipient of "Employee of the Year" will be recognized in the following manner.
 - a. In September, an agency-wide staff meeting will be called or an Employee Appreciation Day will be held to announce and recognize the employee selected. The nominator ~~will~~ may recognize the recipient's contributions and/or the Executive Director will present the letter of congratulations.
 - b. A memorandum announcing and recognizing the employee selected will be distributed to all ATCOG staff. The nomination and letter of

congratulations will be placed in the recipient's Official Personnel File.

- c. The recipient will be recognized at the ATCOG Board Meeting in September, and may be presented by the nominator(s) or the Executive Director. The President of the Board of Directors will present a plaque to the recipient.
- d. The recipient will receive eight (8) hours of administrative leave to be taken at a time agreeable to the recipient and supervisor.
- e. Information concerning the "Employee of the Year" recipient along with a photo may be submitted to the local newspaper in the area where the recipient resides, if applicable.

7.10 SERVICE AWARDS

Employees who complete five (5) years of service will be recognized and will receive a five (5) year pin. Subsequently, each additional five years of service an employee completes will be recognized by awarding the appropriate tenure pin (i.e., 10, 15, 20, etc.), or other recognition as deemed appropriate.

7.11 LEAVE TIME

Detailed information about paid time off and other types of released time is found in Section 6.00, LEAVE.

7.12 HOLIDAYS

ATCOG observes specific holidays throughout the year. Holidays observed are determined by the Board of Directors. For further information regarding holidays see Section 8.00, HOLIDAYS.

8.00 HOLIDAYS

8.01 GENERAL POLICY

Paid holidays are established by the ATCOG Board of Directors and will be observed as follows:

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday Following Thanksgiving	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25
Personal Day (2)	Floating

An employee must either work or be in paid leave status the work day preceding and the work day following a holiday in order to receive pay for the holiday. If a holiday occurs on Saturday, it will be observed the Friday before the holiday. If a holiday occurs on Sunday, it will be observed the Monday after the holiday. If one or both of the Christmas holidays occur on the weekend, the holidays will be observed as follows:

- If Christmas Eve is on Friday and Christmas Day is on Saturday, Christmas Day will be observed the Monday after the holiday.
- If Christmas Eve is on Saturday and Christmas Day is on Sunday, Christmas Eve will be observed the Friday before the holiday and Christmas Day will be observed the Monday after the holiday.
- If Christmas Eve is on Sunday and Christmas Day is on Monday, Christmas Eve will be observed the Friday before the holiday.

An employee who has completed his/her introductory period is entitled to take two eight (8) hour personal days on any day chosen by the employee. Requests for a personal day shall be made in writing on a Leave Request Form and approved by the Director or Executive Director. A personal day must be taken in its entirety and not split up.

8.02 ELIGIBLE EMPLOYEES

Only regular full-time and part-time employees working thirty (30) hours or more per week will receive paid holidays. Temporary employees are not paid for holidays not worked.

8.03 HOLIDAY DURING VACATION

If an official holiday falls within a regular employee's approved vacation schedule, the employee will be granted the holiday and not charged for a day of vacation.

8.04 WORK DURING HOLIDAYS

Every effort will be made to observe all authorized holidays on the day they normally occur. However, if the Executive Director finds it necessary, he may direct some or all employees to report for work on any holiday. Employees who are required to work on an authorized holiday will be given the opportunity to take the missed holiday. Make-up holidays normally will be taken within the current payroll period; however, all make-up holidays must be taken within thirty (30) days or the holiday will be forfeited without compensation to the employee. The holiday may also be taken prior to the actual date within the current payroll period.

9.00 WORK SCHEDULES AND TIME REPORTING

9.01 DEFINITIONS

As used in this section the following defined terms and words shall mean:

1. Fair Labor Standards Act of 1938, as amended means the law (Title 29, U.S. Code of Regulations) established by Congress, to regulate and control labor practices. This law is enforced by the U.S. Department of Labor.
2. Exempt Employee means an executive, administrative or professional employee, as defined by the Fair Labor Standards Act (FLSA) of the U.S. Department of Labor. Exempt employees are paid on a salary basis and are exempt from the overtime provisions of FLSA. Exempt employees are expected to render necessary and reasonable overtime services with no additional compensation for time worked beyond the normal workweek.
3. Nonexempt Employee means an employee who is subject to the requirements of the overtime pay provision of the FLSA.
4. Released Time means any paid leave time, including holidays, that an employee actually uses during any work week.

9.02 OFFICIAL WORK WEEK

The official payroll week for all ATCOG employees is a seven day period beginning at 12:00 midnight on Tuesday and ending at 12:00 midnight on the following Tuesday.

9.03 OFFICIAL PAYROLL PAYDAY

The official payroll payday for compensation purposes shall be every other Friday resulting in twenty-six (26) paydays per year.

9.04 WORKING HOURS

Normal working hours are Monday through Friday, 8:00 a.m. to 5:00 p.m., with one hour for lunch, for a total of 40 hours per workweek. Normal working hours will be strictly adhered to, however, may be altered by special events such as noon and/or evening meetings, conferences, holidays, etc.

1. The Director may set other hours of work or work periods for individuals or groups of employees if necessary or desirable, but all office employees will have a set work schedule not to be altered on a daily basis and/or without specific advance approval.
2. Unless otherwise authorized, all employees are expected to be punctual and to report for duty at the beginning of each assigned workday and to work the full work period established.

9.05 SCHEDULE ADJUSTMENTS

Adjustments to the normal hours of operation may be made by the Executive Director in order to better serve member governments or the public.

9.06 NUMBER OF HOURS WORKED

The Executive Director determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the budget.

9.07 OVERTIME - GENERAL

The policy of ATCOG is to prevent overtime, whenever possible. However, nonexempt employees may be required to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA): 40 hours per seven-day workweek. Under the FLSA, overtime applies only to nonexempt employees.

1. ATCOG is a public employer and is subject to the public employer provisions of the Fair Labor Standards Act that may differ slightly, regarding overtime, from those of a private employer.
2. Procedures will be developed in accordance with the FLSA.
3. When possible, employees should adjust their work schedules so as not to exceed 40 hours worked in a seven-day workweek. Work schedule adjustments must be approved by the supervisor.
4. All overtime hours must be approved by the supervisor.
5. Hours worked in excess of 40 hours in a seven-day workweek will be compensated with compensatory time off at one and one-half hours times the overtime hours worked.

Note: Compensatory leave is earned at straight time at the end of the work week when the total number of hours recorded as worked plus the total number of hours of paid time off or paid holidays exceeds 40 hours in one workweek provided the total of number of actual hours worked does not exceed 40 hours.

6. Employees must use all compensatory time before using annual or sick leave unless annual leave will meet maximum accrual within 30 days.
7. Those employees with 20 or more compensatory hours must schedule leave and be given priority for that leave to be taken. Employees must schedule accrued compensatory hours within 12 months of accrual.

9.08 OVERTIME AUTHORIZATION

All overtime worked by nonexempt employees must be authorized in advance by the employee's supervisor and approved by the Director. Directors may require that requests for overtime be in writing if desired.

9.09 TIME RECORDING - GENERAL

Employees are required to neatly and accurately record all hours worked and released time taken on an official Time and Attendance Report (Timesheet) provided by ATCOG. Where required, hours credited to particular projects will be noted accordingly.

1. Falsification of timesheets or payroll documents will be grounds for disciplinary action up to and including termination.
2. Timesheets will be completed on a daily basis in order to maintain an accurate and comprehensive record of the actual time spent on particular projects.
3. Timesheets must be signed or electronically submitted by the employee, approved by the employee's supervisor, and submitted to the payroll department by the provided deadline each pay period.

9.10 ACTIVITY TRACKER

In addition to the official Time and Attendance Report, as outlined in the preceding subsection, employees are required to maintain and submit an activity tracker. The purpose of the activity tracker is to accurately record the time that an employee works on a specific program and meets the time and effort reporting in 2CFR200.430.

9.11 BREAK PERIODS

ATCOG employees are provided two (2) 15-minute paid break periods per day; one mid-morning and the other mid-afternoon. Break periods are designed to allow employees time to get away from the job and to relax and refresh themselves. Smokers are **not** allowed additional break periods throughout the day to smoke. Failure to comply may result in disciplinary action, up to and including termination.

9.12 LUNCH PERIOD

ATCOG provides an unpaid lunch period of one hour daily. A Director may adjust this schedule for an individual employee, group of employees, or entire department, as necessary to meet the needs of ATCOG or its employees.

1. The one-hour lunch period break is "free" time and the employee may do with it as he wishes.

2. Non-exempt employees who remain on premises during the lunch period are encouraged to use the break room facilities or outside facilities, if any, to eat lunch. Employees are discouraged from eating lunch while at their desk. However, if an employee does eat lunch at their desk, they are prohibited from performing any ATCOG-related work during this time. Such employees shall be completely relieved of all ATCOG duties during the lunch period.

9.13 TELECOMMUTING

Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their workweek. Ark-Tex Council of Governments (ATCOG) considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not a companywide benefit, and it in no way changes the terms and conditions of employment with ATCOG.

Procedures

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement. Any telecommuting arrangement made will be on a trial basis for the first three months and may be discontinued at will and at any time at the request of the organization. Every effort will be made to provide 30 days' notice of such change to accommodate commuting, childcare and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

Eligibility

Individuals requesting formal telecommuting arrangements must be employed with ATCOG for a minimum of 12 months of continuous, regular employment and must have a satisfactory performance record.

Before entering into any telecommuting agreement, the employee and Manager/Director, with the assistance of the Human Resources Director and Executive Director, will evaluate the suitability of such an arrangement, reviewing the following areas:

1. Employee suitability. The employee and Manager/Director will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
2. Job responsibilities. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
3. Equipment needs, workspace design considerations and scheduling issues. The employee and manager will review the physical workspace needs and the appropriate location for the telework.

4. Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and Manager/Director agree, and the Executive Director concurs, a draft telecommuting agreement will be prepared and signed by all parties, and a three-month trial period will commence.

Evaluation of telecommuter performance during the trial period will include regular interaction by phone, e-mail, and videoconference between the employee and the Manager/Director, and biweekly face-to-face meetings to discuss work progress and problems. At the end of the trial period, the employee and manager will each complete an evaluation of the arrangement and make recommendations for continuance or modifications utilizing the Quarterly Performance Report form. Evaluation of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance.

An appropriate level of communication between the telecommuter and supervisor will be agreed to as part of the discussion process and will be more formal during the trial period. After conclusion of the trial period, the manager and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

Equipment

On a case-by-case basis, ATCOG will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, internet equipment, phones and other office equipment) for each telecommuting arrangement. ATCOG may provide a hot spot device for telecommuter's business use while in the field, but it is expected that the telecommuter will provide adequate and reliable internet service while working within his/her own home. The human resource and information system departments 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.

ATCOG accepts no responsibility for damage or repairs to employee-owned equipment. ATCOG 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 must sign an inventory of all ATCOG property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all company property will be returned to the company, unless other arrangements have been made. ATCOG will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary.

The employee will establish an appropriate work environment within his or her home for work purposes. For short-term telecommuting arrangements, ATCOG will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

For employees working remotely the majority of the time at the request of ATCOG, basic furniture needs such as a desk and chair may be supplied to the employee by ATCOG.

If the employee experiences issues with internet or equipment while telecommuting and is unable to work, the employee is expected to return to work in the office. If the employee is unable to return to the office, then the employee will be required to use leave time.

Security

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties will be investigated the same as other workers' compensation claims in accordance with policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. There shall be no business-related visitors at the home worksite. All business-related client or employee visits shall be made on ATCOG property or other preapproved public locations.

Telecommuting is not designed to be a replacement for appropriate child care. Although an individual employee's schedule may be temporarily 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 a trial period.

Time Worked

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using ATCOG's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

Ad Hoc Arrangements

Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave at the employee's request 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.

10.00 HEALTH AND SAFETY

10.01 SAFETY POLICY

It is the policy of the ATCOG to make every effort to provide healthful and safe working conditions for all of its employees.

10.02 EMPLOYEE RESPONSIBILITIES

Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as those of other employees and to abide by all applicable health and safety regulations/policies.

10.03 SAFETY SUGGESTIONS

Employees are encouraged to make suggestions to their supervisors for improvements that would make ATCOG a safer or more healthful place to work.

10.04 SAFETY REPORTING

Employees must report immediately to their immediate supervisor any conditions that, in the employee's judgment, threaten the health and safety of employees or visitors.

10.05 ON-THE-JOB INJURIES

1. An employee must report every on-the-job health or safety incident, no matter how minor, to his or her supervisor within 24 hours. The supervisor is responsible for filing a written accident report immediately with the Human Resource Office.
2. Failure to report an on-the-job injury, no matter how minor, is grounds for disciplinary action.

10.06 WORKERS' COMPENSATION

ATCOG provides workers' compensation insurance coverage for all employees. This insurance provides for payment of medical expenses. In addition, this insurance provides a weekly payment if an employee experiences lost time starting on the eighth calendar day subsequent to date of occurrence of an on-the-job, work-related injury or illness. A workers' compensation insurance claim form must be completed for all reported on-the-job injuries/illnesses.

If an employee sustains a work-related injury or illness, that employee is required to immediately, but no later than three (3) days, report that injury/illness to the supervisor, the Human Resources Office, or the Deputy Director.

1. Medical Attention. Immediately upon receipt of a workers' compensation claim, the Human Resources Office will assist the injured/ill employee in locating an Alliance health care provider for non-emergency/hospital care. The employee may be referred to an Alliance medical facility or medical

professional, or the employee may select a medical facility or medical professional of his/her choice. If the employee chooses a provider for non-emergency care that is not in the Alliance, the injured/ill worker runs the risk of responsibility for bills incurred.

2. Injury Leave. An employee who sustains a work-related injury/illness will be placed on injury leave provided an attending physician's statement indicates the employee is incapable of performing his/her duties.

- a. Injury leave begins on the first scheduled workday of absence due to on-the-job injury/illness and continues until the employee returns to work, his eligibility expires, or the employee is removed from injury leave coverage by ATCOG.
- b. The duration of injury leave will be in accordance with the Texas Workers Commission's rules and regulations.
- c. Injury leave with pay may be terminated at any time without prior notice. The Executive Director will terminate the injury leave upon receipt of evidence that the employee, while able to return to work, has not done so. Violation of worker's compensation laws is considered fraud and punishable by fines and imprisonment.

3. Compensation.

- a. If an employee sustains a work-related injury/illness which renders him unfit for performing the duties of the job, and if accrued sick leave is available, the employee is placed on sick leave status and receives full pay less legal deductions from ATCOG for the first seven (7) calendar days of disability.
- b. After the initial seven (7) calendar days waiting period, an employee with accrued sick leave may elect to supplement his workers' compensation payments with sick leave payments from ATCOG provided the employee has an adequate balance of accrued sick leave. The supplemental sick leave pay from ATCOG will be in an amount that, when added to the workers' compensation payment, equals the employee's regular "take home" pay (that is, the employee's gross salary minus income tax, social security deductions, and any other deductions that are not applicable to the workers' compensation pay). The employee must request this option.
- c. An employee receiving workers' compensation payments does not accrue vacation or sick leave and is not entitled to receive holiday pay.

4. Continuation of Dependent Insurance. When the employee is on injury leave and no longer receiving regular pay, dependent medical, dental, and/or life insurance will continue provided the employee continues to pay the premiums for such coverage on a schedule established by ATCOG's

Finance and Accounting office. Dependent coverage will cease if the employee fails to make timely premium payments.

5. Exclusion. Injuries caused by employee horseplay, willful intent and attempt to injure self or to unlawfully injure another, self-intoxication, act of God except in certain limited circumstances, or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.
6. Reporting Requirements. While on injury leave, the employee must provide a progress report to the Executive Director each time the employee sees a doctor for consultation or treatment. Any change in the employee's condition that might affect his or her entitlement to workers' compensation payments must also be reported to the Executive Director.
7. Return to Service. A written statement from the attending physician certifying that the employee has been released to return to work and specifying the type(s) of work he/she is capable of performing, as well as any limitation(s), must be received by the Executive Director before an employee may return to work. All employees on injury leave must return to work after approval of the attending physician. Failure to return to work when directed will result in appropriate disciplinary action. Upon receipt of a release to return to work, ATCOG may require the employee to submit to a medical examination to determine whether the employee can perform the essential functions of his/her position, with or without reasonable accommodation. If the employee cannot perform the essential functions of the position, or if the employee is a qualified individual with a disability and he or she cannot perform the essential functions of the position with or without reasonable accommodation, the employee will be terminated. ATCOG's efforts to reasonably accommodate the employee will be conducted in accordance with applicable law.
8. Final Release or Settlement. At the time of final release or settlement of a workers' compensation claim, the employee must furnish the Executive Director with a certificate from the attending physician stating the status of the employee's physical condition and an anticipated return to work date.

10.07 DRUG-FREE WORKPLACE

ATCOG IS A DRUG-FREE WORKPLACE. In accordance with Public Law 100-690, Title V, Subtitle D. of the Drug Free Workplace Act of 1988, the following shall apply.

1. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance (including inhalants) is prohibited on the premises of the ATCOG or any of its facilities. In addition, ATCOG prohibits employees from reporting to work or working in any capacity with prohibited substances or alcohol in their systems. Employees who violate this policy will be subject to immediate disciplinary action up to and including termination.

2. ATCOG employees, as a condition of employment, are required to abide by the terms of this policy and will notify ATCOG of any conviction for violation of a drug law occurring in the workplace no later than five days after the conviction.
3. ATCOG, in accordance with the Drug-Free Workplace Act, will notify any federal funding agency, so requiring, within 10 days after receiving notice under the above paragraph from an employee or otherwise receiving actual notice of the conviction.
4. Any employee so convicted will be subject to serious disciplinary action up to and including termination.
5. ATCOG will make a good faith effort to continue to maintain a drug- and alcohol-free workplace through the implementation of this policy.
6. The ATCOG may provide periodic drug-free awareness programs for employees in order to educate them about the dangers of drug abuse in the workplace. Information regarding drug counseling, drug rehabilitation, and employee assistance programs will be made available for each employee.
7. Random alcohol and drug testing may be conducted for all employees who are required to drive a vehicle in the performance of ATCOG business and will be conducted by a contracted testing laboratory.

10.08 SMOKE-FREE WORKPLACE

The ATCOG has been designated as a smoke-free workplace. Smoking is not permitted inside offices occupied by ATCOG, including field offices housed in buildings that may or may not restrict smoking. In addition, smoking is not permitted in an employee's own personal vehicle which is being used for ATCOG business unless the employee is alone and/or only ATCOG employees who smoke are passengers. If non-smoking ATCOG employees are passengers, then smoking will not be permitted. Failure to comply will result in disciplinary measures.

Note: Due to the carcinogens contained in E-Cigarettes and the toxic agents that can become airborne through the vaping process, all portions of this policy also apply to E-Cigarettes.

10.09 HIV/AIDS IN THE WORKPLACE

To meet the requirements of Senate Bill 959, the Human Immunodeficiency Virus Services Act, enacted by the 71st Legislature of the State of Texas, the following policy guidelines concerning HIV/AIDS and related conditions within the workplace were adopted by the ATCOG Board of Directors on March 26, 1992, and implemented into organizational policy as of that date as follows:

1. ATCOG will treat confidentially all medical information concerning a diagnosis of HIV/AIDS, and will take every reasonable precaution to

protect the information for both employees of the agency as well as clients served through the agency.

2. ATCOG will not discriminate against any person who may have contacted HIV/AIDS. Persons with HIV/AIDS infection will be entitled to the same rights and opportunities as persons with other communicable diseases.
3. Employees of ATCOG who are HIV/AIDS infected shall be treated as any other employee, provided they are able to meet job performance standards as defined by the official ATCOG job description for the employee. Special requests for reasonable accommodations of HIV/AIDS infected employees will be considered on an individual basis and may be granted unless the request poses an undue hardship on the agency.
4. ATCOG ensures that the policy guidelines adopted herein are consistent with current information available through the Center for Disease Control of the United States Public Health Services, and the Texas Department of Health. ATCOG's position, based on current scientific information, is that there is no risk of HIV/AIDS transmission in the normal work setting. Routine daily encounters with co-workers and clients pose no risk of transmitting the fragile, blood-borne virus.
5. ATCOG will provide educational materials to its employees concerning HIV/AIDS and its transmission. The agency will provide written information and referral for testing and other services for HIV/AIDS for employees and clients upon request.
6. ATCOG will provide its employees with information about health insurance and other benefits related to HIV/AIDS infection.
7. ATCOG deems that existing agency civil right procedures are available to employees who believe they have been discriminated against on the basis of HIV/AIDS or a related condition.
8. Employees of ATCOG who require education/information concerning HIV/AIDS should contact the Human Resources Office.

10.10 VIOLENCE IN THE WORKPLACE

ATCOG is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, ATCOG has adopted the following guidelines to deal with threats of or actual occurrences of violence during business hours or on its premises.

All employees, clients, vendors or other visitors should be treated with courtesy and respect at all times. Employees will behave in a professional manner and will refrain from fighting, "horseplay," or any conduct that may be dangerous to others or result in a potential altercation. ATCOG is considered a gun-free workplace and does not allow unauthorized employees to possess a gun in any ATCOG building. However, Texas law does allow employees who possess a lawful Concealed Handgun License (CHL) or a License to Carry (LTC) to keep those

firearms in their personal vehicles while parked on ATCOG premises or while conducting ATCOG business in their personal vehicles.

ATCOG has a zero tolerance for workplace violence. Any conduct that threatens, intimidates, coerces, harms or intends to harm another employee, a client, or a member of the public, while on ATCOG property or while conducting ATCOG business or while otherwise representing ATCOG, will not be tolerated at any time.

All acts of violence, including threats of violence, are taken seriously and should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by clients, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

The safety of ATCOG employees is critical and no employee should ever knowingly put themselves in danger. Employees are to report any suspicious individuals or activities as soon as possible to a supervisor. If you see or hear a commotion or disturbance near your workstation, do not try to see what is happening or intervene in the circumstance. If necessary, call 911 and then notify a supervisor or member of management as soon as possible. However, in the event you believe you hear gunshots in the building, if possible you are to immediately exit the building through a window or door not accessible to the shooter and run. Call 911 to report an active shooter as soon as you are safely out of the building. [ATCOG employees should follow all instructions given in the training, “How to Survive an Active Shooter at Work,” with steps that include 1) Run, 2) Hide, and 3) Fight.]

ATCOG will promptly and thoroughly investigate all reports of threats of or actual occurrences of violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical, as well as the identity of the person against whom the report is filed, until the investigation is complete. In order to maintain workplace safety and the integrity of its investigation, ATCOG may suspend employees, either with or without pay depending on the circumstances, pending results of an investigation.

ATCOG encourages employees to bring their disputes or differences with others in the workplace to the attention of their supervisors or Executive Director before the situation escalates into potential violence. ATCOG is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns. Further, employees are protected from retaliation for any report of improper activity in the workplace that is made in good faith, even if the investigation reveals that no wrongdoing has occurred.

Any employee determined to be responsible for threats of violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action, up to and including termination of employment. Any employee determined after investigation to be responsible for actual violence at the workplace will be terminated. Additionally, violations of this policy will also be reported to the appropriate authorities when warranted and, therefore, may be subject to civil and/or criminal charges or penalties.

(Eff. 2/25/2016)

10.11 GUN-FREE WORKPLACE

The ATCOG has been designated as a gun-free workplace. Concealed guns are not permitted inside offices occupied by ATCOG, including offices housed in buildings that may or may not restrict carrying of concealed guns. Violations of this policy may result in immediate termination, dependent upon the circumstances and at the discretion of the Executive Director. Also, any employee who has personal knowledge of a gun in any work office must immediately report it to their supervisor or may also face disciplinary action, up to and including termination.

10.12 USE OF SEAT BELTS

Employees are required to wear seatbelts at all times in any ATCOG owned or rented vehicles or in personal vehicles while conducting business on behalf of ATCOG. Failure to wear seat belts may result in denial of insurance in the case of an accident, resulting in financial loss and damage or injury liabilities to ATCOG. Failure to wear seat belts while conducting ATCOG business is a serious offense and may result in disciplinary action, up to and including termination.

10.13 USE OF CELL PHONES WHILE DRIVING

Employees who are driving ATCOG-owned or rented vehicles or their personal vehicles while conducting business on behalf of ATCOG are discouraged from talking on their cell phones while driving. Text messaging by employees who are driving any vehicle while conducting business on behalf of ATCOG is strictly prohibited for health, safety and liability reasons. Texting while driving will not be allowed under any circumstances. Violations of this policy will not be tolerated and will result in disciplinary action, up to and including termination.

10.14 LACTATION ACCOMODATION

It is the policy of ATCOG to provide a room or other private location for employees who wish to express breast milk. Lactation accommodations will be provided to employees in accordance with Section 7 of the Fair Labor Standards Act. In addition, ATCOG will provide a reasonable amount of break time to accommodate employees desiring to express breast milk.

1. Breaks

- a. A reasonable amount of break time must be provided to employees who want to express breast milk.
- b. If possible, the break time should coincide with the employee's paid break time.

2. Space

- a. ATCOG will make a reasonable effort to provide employees with a room or other locations in which to express milk. This space must not be a bathroom and should be private and in close proximity to the employee's work area.
- b. Ideally, the space will have a door that locks. If this is not possible, a room can be made private by placing a message on the door that the room is in use, drawing blinds or curtains, covering windows without curtains, or setting up a portable partition. The space should be clean and comfortable, equipped with an electrical outlet, and contain comfortable seating and a table or other flat surface to hold a breast pump. It should also be located near a sink with running water for hand washing and cleaning of equipment.
- c. For non-traditional worksites, the department and supervisor will work with the employee to create a mutually acceptable solution. This may include a flexible schedule to allow the employee to return to the office for such activity.

3. Storage

- a. A hygienic and secure location will be available for employees to store expressed milk.

4. Atmosphere of Acceptance

- a. Breastfeeding should not constitute a source of discrimination in employment or in access to employment. It is prohibited under this policy to harass a breastfeeding employee or exercise any conduct that creates an intimidating, hostile or offensive working environment. Any incident of harassment of a breastfeeding employee will be addressed in accordance with Ark-Tex Council of Governments policies and procedures for discrimination and harassment.

11.00 USE OF ATCOG PROPERTY

11.01 GENERAL POLICY

It is the policy of ATCOG to provide each employee with all reasonable and necessary equipment to adequately perform their job. In so doing, ATCOG expects each employee to maintain ATCOG equipment and property in good order and to observe safe work practices.

11.02 USE OF TOOLS, EQUIPMENT, AND PROPERTY

1. Employees who are assigned tools, equipment, or any other ATCOG property are responsible for them and for their proper use and maintenance.
2. ATCOG property, materials, supplies, tools, or equipment may not be used for personal or political use.

11.03 USE OF BUILDINGS AND PREMISES

Use of ATCOG buildings and premises by employees shall be in compliance with law and with ATCOG policies regarding authorized uses.

11.04 EQUIPMENT POLICY

Purchases and/or procurement of ATCOG equipment must be approved by each program manager, director, and the Information Technology Manager. For information regarding equipment, please refer to Section 3.19 USE OF ELECTRONIC DATA.

11.05 CREDIT CARD POLICY

It is the policy of ATCOG to maintain credit cards to be used specifically and exclusively for the purpose of conducting essential ATCOG business. The designated custodian of all ATCOG credit cards is the Finance Director, as directed by the Executive Director. The Finance staff will monitor the use of credit cards through payment of monthly invoices. Receipts for purchases will be given to the Finance staff to help reconcile the invoices prior to payment.

12.00 DISCIPLINE

12.01 GENERAL

Employees of ATCOG serve **at-will** and, within provisions of state and federal law regarding public employment, can be terminated at any time, with or without notice, for any lawful reason or for no reason. Examples of employee actions that may result in disciplinary action include, but are not limited to, the following:

- Insubordination; failure to follow or respond to a direct legal order;
- Absence without leave including absence without permission, failure to notify a supervisor of sick leave, and repeated tardiness or early departure;
- Endangering the safety of the employee and/or other persons through negligent or willful conduct;
- Use of alcohol or drugs while on duty or on ATCOG property;
- Involvement with alcohol or drugs in the workplace in violation of ATCOG's Drug-Free Workplace Policy;
- Unauthorized use of public funds or property;
- Illegal or unauthorized email, internet or social media use;
- Conviction of a felony;
- Conviction of official misconduct, oppression, or perjury;
- Falsification of documents or records;
- Unauthorized use of official information or unauthorized disclosure of confidential information;
- Unauthorized or abusive use of official authority;
- Violation of the General or Sexual Harassment Policy;
- Incompetence or neglect of duty;
- Disruptive behavior which impairs the performance of others; or
- Violation of any of the requirements of any policies contained in this Manual.

12.02 TYPES OF DISCIPLINE

The Executive Director, or his designee, may take disciplinary action against an employee at any time, to include termination. The broad objective of discipline is to motivate employees to conform to acceptable standards of conduct and to prevent prohibited activities. Discipline is a part of the daily responsibility of supervisors and not merely the action taken at times when an employee deviates from acceptable forms of conduct. The supervisor's most effective means of maintaining discipline is through the promotion of cooperation, sustained good working relationships, and the self-discipline and responsible performance expected of mature employees.

ATCOG may use any of the following types of discipline at any time:

- a. Counseling
- b. Suspension Without Pay for a Period of up to 3 Days
- c. Termination

12.03 ADMINISTRATION OF DISCIPLINE

The Executive Director or the appropriate supervisor may determine to discipline an employee by using counseling. However, in all instances wherein suspension without pay or termination is the type of discipline to be used, the Executive Director must either initiate or approve the suspension without pay or termination at the recommendation of the supervisor. Only the Executive Director has authority to terminate, such authority being granted in the ATCOG Bylaws by the governing Board of Directors.

If the type of discipline used is either counseling or suspension without pay, the discipline will be documented on the "Discipline Documentation Form." A copy of the discipline notice will be given to the employee and a copy will be placed in the employee's personnel file in Human Resources.

If the type of discipline used is termination, the appropriate termination paperwork will be completed with the employee in the Human Resources Office.

The severity of the discipline used against any employee depends upon the nature of the infraction. However, termination may be used at any time, regardless of whether an employee has previously received a less severe form of discipline for any infraction.

NOTE: At all times, discipline will be administered in as fair and consistent a manner as possible to all employees.

13.00 SEPARATIONS

13.01 TYPES OF SEPARATIONS

All separations of employees are designated as one of the following types:

- Resignation;
- Reduction in Force;
- Termination;
- Retirement;
- Disability; or
- Death.

13.02 RESIGNATION

ATCOG is an **at-will** employer and as such employees are not required to provide advanced notice of intent to resign. However, ATCOG requests that an employee who intends to resign provide his supervisor with 10 working days' advance notice of the resignation. The supervisor shall immediately notify the Human Resources Office.

13.03 REDUCTION IN FORCE

An employee may be separated when his or her position is abolished, or when there is either a lack of funds or a lack of appropriate work. When reductions in force are necessary, decisions on individual separations will be made after considering (1) the relative necessity of each position to the organization, (2) the performance record of each employee, (3) transferability of the employee's skills to remaining positions with the ATCOG, and (4) the employee's length of service with the ATCOG.

In the event a RIF occurs that necessitates a forced reduction in hours for employees from full-time to part-time, those part-time employees will remain eligible to accrue sick and annual leave on a pro-rated basis dependent upon the hours they work. They will also receive retirement benefits as long as they work an average of 20 or more hours weekly.

13.04 TERMINATION

All employees are employed at will and, within the limits of state and federal law applying to public employment, may at any time during their employment, be terminated with or without notice, for any lawful reason or for no reason.

13.05 RETIREMENT

An employee may decide to separate employment for the purpose of retiring from the workforce. Employees shall notify the supervisor or Human Resources Office of their intent to retire as soon as possible (See Exception 13.08c). Upon

retirement, employees will no longer be eligible for benefits, to include employer-sponsored medical, dental and life insurances, nor will they will be paid for any accrued sick leave. They will be paid final wages to include any accrued annual leave and comp time if applicable, and will be eligible for the funds in their retirement account. (See 7.04 for additional information pertaining to vesting and pay out of funds.)

13.06 DISABILITY

In cases of long-term disability where an employee is unable to return to work for a period of time which would cause an undue hardship to the ATCOG to hold the position open, and if no position is available which the employee could perform with a reasonable accommodation by the ATCOG, the employee will be separated from employment with the ATCOG.

[Legal reference: U.S. Americans with Disabilities Act of 1990 (ADA) and ADA Amendments Act of 2008 (ADAAA).]

13.07 DEATH

In the event an ATCOG employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death. ATCOG will take necessary legal action to collect any outstanding monies owed by a deceased employee.

13.08 CALCULATION OF SEPARATION PAY

1. Upon separation from ATCOG employment, an employee who has completed the introductory period will be paid for accrued and unused vacation leave up to the maximum allowable accumulation limit.
2. Payment for such leave balances will be calculated in the following manner:
 - a. The total work time and allowable vacation (see section on “Annual Leave” to determine allowable vacation) and compensatory leave time (for nonexempt employees) will be calculated as the total number of hours for which compensation is due times the employee’s hourly rate. Any amount paid for unused vacation or compensatory time will be based on the hourly rate in effect for the employee at the time of termination.
 - b. Compensatory time which has been entered and carried on a nonexempt employee’s records at one or one and one-half times the number of hours worked will be paid at the employee’s regular straight-time rate for the total number of hours on the employee’s compensatory time record. Since the compensatory time was recorded at one or one and one-half times the number of hours worked, the payment for these hours is equivalent to time and one-half pay for the hours actually worked.

- c. Unused sick leave shall be canceled upon termination of employment, and the employee shall not be compensated for it. Employees who submit a letter of intent to resign or who verbally notify their supervisor of their intent to resign are not eligible for any sick leave benefits from the date the letter is received by his/her supervisor through the last date of employment. **Note:** This policy does not apply to employees in management and/or supervisory roles who submit a letter of intent to resign more than a month before the anticipated resignation date due to the amount of time needed to replace the employees.

13.09 DOCUMENTATION OF SEPARATIONS

Reasons for a separation are documented in writing. In a case where an employee resigns, he or she writes a letter or memo stating the reason(s) for and date of the resignation. In cases where the employee does not give a written notice, the supervisor and/or the Executive Director, or his or her designee, documents the reason(s) for the separation. This may be done by letter or memo, but in any case, a Personnel Action Form must also be completed. This form is signed by the Director and the Executive Director. The original is kept in the employee's personnel file, and a copy is given to the employee. This documentation is important and may be instrumental in determining the ATCOG's liability, or lack of liability, for unemployment insurance costs.

13.10 CONTINUATION OF GROUP INSURANCE

Public Law 104 utilizes the same rules and regulations as set forth in the Consolidated Omnibus Reconciliation Act of 1985 (COBRA), and provides that public entities must offer continuation of coverage to qualified individuals with the option of continuing group health and dental insurance coverage, under specified conditions and at the individual's full expense, beyond the date which the insurance would otherwise terminate. Information regarding the continuation of these benefits is provided by the current insurance carrier to all terminating employees.

14.00 GRIEVANCES

14.01 GENERAL POLICY

It is the policy of ATCOG, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those that occur.

14.02 GRIEVANCE FILING

A grievance may be filed by an aggrieved employee on one or more of the following grounds:

1. improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves);
2. unfair treatment;
3. discrimination based on any legal grounds (See 2.01 for information regarding protected classes);
4. improper or inequitable application of benefits; or
5. unreasonable working conditions.

14.03 FINAL AUTHORITY

Grievances can be appealed from the employee's supervisor to the Division Director (if appropriate), to the Executive Director. For consideration by the Board of Directors, reference paragraph 3.11, #3.

14.04 GRIEVANCE POLICY/PROCEDURES

The Executive Director has developed and implemented such procedures as necessary to insure a swift response and equitable handling of employee grievances, as follows:

STEP 1.

1. An employee who has a grievance on one or more of the grounds listed above in Section 14.02 shall first present the grievance in writing to his/her immediate supervisor. Step 1 will only be utilized if there is a supervisory level between the employee and the Director.
2. Within five (5) working days after receiving a grievance from an employee, the supervisor shall set a date and time to discuss the employee's grievance. The supervisor will ask questions and listen carefully to arrive at a full understanding of the employee's point of view. If the supervisor and employee can arrive at a resolution of the complaint, the supervisor will prepare a memo within five (5) working days and include the following:

- a. Name of employee;
 - b. Summary of employee's grievance & attach copy of written grievance;
 - c. Date of discussion;
 - d. Other people present at the meeting, if any;
 - e. And, resolution offered.
3. The supervisor will incorporate a statement in the memo that reads, "I hereby acknowledge that I am satisfied with the resolution of my grievance as stated in this memo and wish no further consideration." The aggrieved employee will be asked to sign and date the statement.
4. If no agreement can be reached, the aggrieved employee must provide a written statement defining the basis for them not having reached an agreement, a copy of which is given to the employee and a copy will be placed in the employee's personnel file.
5. If no resolution is reached, the supervisor will prepare a memo within five (5) working days of the discussion, containing information set forth in para 2 above, except that under "e. Resolution," the supervisor will summarize the resolution offered, note that there was no agreement, and include any responses by the employee as to why the offered resolution is unacceptable. The memo will advise the aggrieved employee that he/she can request a further review by the appropriate Director within five (5) working days of the date of the memo.

STEP 2.

1. If no resolution is reached in Step 1, an employee requesting a Step 2 review must do so within five (5) working days after receipt of memo in Step 1 above. The request for Step 2 review must be in writing, the information must be specific in nature with a statement of the specific corrective or remedial action requested, and the employee's reasons why resolution could not be reached at the supervisor level.
2. Upon receipt of a request for Step 2 review, the Director shall:
 - a. Make a determination on merits of a further review based upon the following criteria that must be demonstrated by the employee:
 - (1) Significant relevant factors were not considered by the Supervisor; and/or
 - (2) Supervisor has a conflict of interest and/or personal stake in the outcome of this decision; and/or
 - (3) A policy or procedural violation or error has occurred, affecting the Supervisor's decision; and/or
 - (4) Harm to the employee has been done that must be addressed or rectified; and/or

- (5) The decision or proposed resolution offered is inherently biased or prejudicial to the employee or violates other ATCOG policy or a state or federal law.
- b. If merited, schedule a meeting within ten (10) working days from date of receipt of request for Step 2 review to consider the grievance;
 - c. Notify aggrieved employee in writing of date, time, and place;
 - d. Notify aggrieved employee of the opportunity to amend the grievance prior to the Step 2 meeting by submitting any proposed amendment in writing. However, the amendment will include only new information relative to the initial complaint that may have been discovered after the complaint was filed, and their perceived justifications for further consideration or review.
 - e. Advise the aggrieved employee to submit the name(s) of person(s) whom the employee feels has information or knowledge relevant to the complaint and whose attendance the employee considers necessary for a fair determination on the issues.
 - f. Documentation that supports the employee's allegations of error, omissions, or conflict of interest by the Supervisor.
 - g. Convene the meeting on the appointed date and listen carefully to the employee, supervisor, and all others having relevant information to share, to attempt to arrive at a full understanding of the employee's point of view, ask questions, and gather and record any information available.
 - h. Ascertain if the aggrieved employee and his/her supervisor have presented all the facts, data, etc., bearing on the grievance that the employee and all relevant persons wish to present.
 - i. Advise the aggrieved employee that he/she will receive the decision in writing not later than ten (10) working days after the Step 2 meeting.
 - j. Issue a decision within ten (10) working days to the employee and his/her supervisor after the Step 2 meeting. The memo should include notification to the aggrieved employee that if he/ she is not satisfied with the decision, a request for review by the Executive Director should be submitted in writing within ten (10) working days after receipt of the Director's decision. Such request must include adequate justification to substantiate further review.
 - k. The Director will ask the employee to sign and date the following statement, "I hereby acknowledge that I have received a copy of this memo and have been advised of my right to request a review by the Executive Director."

STEP 3.

1. If the employee feels the decision rendered by the Director was in error, the employee may submit a written request within ten (10) working days after receipt of the Director's decision asking for review by the Executive Director. Such request must include a statement by the employee supporting their contention that the Director significantly erred in judgment or determination sufficient to merit further review or consideration of the grievance.
2. Upon receipt of a request for review by the Executive Director, the Executive Director shall make a determination on the merits of further review based upon the following criteria:
 - a. Evidence that all prior reviews failed to consider substantive, relevant information favorable to the employee; and/or
 - b. That previous reviewers had a personal stake in the outcome of their decision beyond those appropriate to the interest of the agency or their position; and/or
 - c. That significant mitigating circumstances served to foster an inappropriate, unfair, prejudicial or unacceptable resolution; and/or
 - d. That the issue(s) involved can only be resolved by the Executive Director.
3. If the grievance merits further consideration, the Executive Director will schedule a meeting within fifteen (15) working days from date of receipt of request for a Step 3 meeting to consider the grievance.
 - a. Follow steps 2. c. through 2. i. above for procedures for Step 3.
 - b. Issue a decision in writing to the aggrieved employee within ten (10) working days after Step 3 meeting date.
 - c. The Executive Director will ask the employee to sign and date the following statement, "I hereby acknowledge that I have received a copy of this memo."
 - d. **ALL** decisions by the Executive Director are final except in exigent circumstances shown below in 4.
4. Only those grievances reflecting conditions as follows shall be heard beyond the Executive Director.
 - a. Grievances directly against the Executive Director that involve allegations of wrong doing or discrimination based on race, color, religion, age, sex, national origin, disability status, genetics,

protected veteran status, sexual orientation, or gender identity or expression;

- b. Grievances in which the Executive Director determines there are significant charges or issues that may prove embarrassing to ATCOG that the Board of Directors needs to be made aware of or consider;
- c. Grievances where serious physical or mental injury has been demonstrated by the employee that may require mitigation or compensation.

APPEAL TO THE EXECUTIVE COMMITTEE/BOARD OF DIRECTORS

- 1. If one or more of the above circumstances are evident, the aggrieved employee may request consideration by the Board of Directors.
- 2. This request must be submitted in writing to the Executive Director within ten (10) working days after receipt of decision of Executive Director.
- 3. The Executive Director shall determine if the matter warrants the Board of Directors or Executive Committee review and will inform the employee of his decision in writing within ten (10) working days from the date he received the aggrieved employee's request.
- 4. If the grievance merits the authority of the Board of Directors, the Executive Director will forward the entire grievance file to the President of the Board of Directors for the Board's consideration and will notify the aggrieved employee of such action.
- 5. If the Executive Director determines that an employee's issue does not warrant authority of the Board of Directors, the employee may make a request to the President of the Board of Directors to appear before the Board.

RULES FOR APPOINTING, CONVENING, AND CONDUCTING A GRIEVANCE HEARING BY THE BOARD OF DIRECTORS

- 1. Within fifteen (15) working days of receiving a request for review, the Board of Directors may take one of the two below actions:
 - a. Review the grievance file, consider the evidence offered, and render a decision in writing to the aggrieved employee as to the merits of the grievance
 - b. Set a date and time to hear the employee's grievance and notify the aggrieved employee of such date, place and time.
- 2. It is the responsibility of the ATCOG Board President to appoint a committee of a minimum of three (3) and maximum of five (5) members of the Executive Committee to serve on the hearing panel. Having determined their willingness to serve, as well as any conflicts of interest

that might interfere with their deliberations, the president shall convene an initial meeting and conduct an election of a Chair among the committee's members. The process to be followed is below:

- a. All employee grievance hearings will be conducted in closed executive session consistent with provisions of the Texas Open Meeting Law, Section 2(a),(e),(g) and (j) allowing for such.
- b. The President shall review the employee grievance with the Hearing Panel, including the results of all previous reviews and charge the Panel with their duties, including a deadline for reporting their findings to the Board of Directors.
- c. The President shall then formally transfer the case file to the Chairperson and arrange for appropriate legal counsel and a hearing recorder.
- d. The Chair shall convene all subsequent hearing sessions and facilitate all deliberations.
- e. The Chair shall approve and call all witnesses, receive all subsequent documentation, and in every manner control the proceedings.
- f. The aggrieved employee shall be allowed opportunity to first present their case and have at least one rebuttal or clarification of any evidence or testimony presented. The opposition shall in turn be allowed to present any opposing views, clarifications, or rebuttals deemed necessary and appropriate.
- g. The aggrieved employee may present evidence, documentation, etc., germane **only** to the grievance being heard. The introduction of additional charges, allegations, or issues not previously presented shall not be allowed.
- h. Each grievance, allegation, and/or issue raised as part of the grievance will be disposed of separately. Decisions and settlements shall be rendered addressing each issue, allegation, and/or charge separately.
- i. The Hearing Panel shall record and reports its findings and recommended actions to the Executive committee of the Board for formal, official action in open session. All recordings of proceedings will be sealed and stored in a safe, secure location and shall be transcribed only under court order per rules of evidence Texas Code and AG Opinion JM-995 (1988), V.T.C.S. ART 6252-17, 2A(f).
- j. The decision of the Board of Directors will be final. After final resolution of a grievance, the entire file will be sent to ATCOG HRO for filing.

14.05 VIOLATIONS OF GRIEVANCE POLICY/PROCEDURES

Cordial relations between ATCOG Board members and employees are encouraged. Employees are further encouraged to advise Board members regarding the status of their programs and to clarify any issues or questions they may have regarding the operation of such programs. Assisting Board members to gain and maintain a sound understanding of the agency, its programs, and its services is highly desirable.

However, it is a serious violation of policy for any employee to initiate a grievance, to seek favors or favorable consideration, or to solicit personal support by directly contacting a member of the ATCOG Board of Directors on any matter of a personal nature – whether such contact is on the basis of friendship, family relations, prior employer relationship, ethnic, racial, religious, political or any other affiliation. Such Board contact is viewed as a serious breach of both policy and ethical conduct, unproductive to the employee/employer relationship and contrary to effective personnel management.

The imposition of an employee's personal or work-related grievance, or any request for favors or favorable consideration by an individual Board member, has a number of adverse consequences for the agency, its administration, the Board, and the staff. Therefore, it will not be tolerated, and violations of the grievance policy and procedures **will** result in immediate termination.

1. The Board's role is to establish and define policy. It is the responsibility of the Executive Director and management staff to abide by and implement the Board's policy.
2. Premature involvement in personnel matters by Board members has the potential of eroding effective personnel management by administration and may create additional unnecessary conflict between the Board member, individual staff members, and the aggrieved employee. Further, should two or more employees take their grievance to different Board members, this can create conflict among the Board, potentially pitting one against another, thus eroding their future effectiveness in dealing fairly with staff. Further, such conduct will adversely affect the employee's interest and consideration on some personnel matters.
3. It places a Board member in an awkward and often embarrassing position. When contacted by a staff member outside the defined grievance process, they are not, at this point, prepared to take action since they have insufficient facts regarding the circumstances or conditions of a situation presented to them. Further, it is unfair to expect the Board member to take the side of one employee against another while having only one, or at least a limited, perspective to consider. Such actions may have a further consequence of creating an unfair advantage for one employee over another and the imposition of disciplinary sanctions on both employees when only one may have been wronged initially.

4. Personnel management must be administered fairly and impartially and should never be allowed to become a political issue, nor one based on partiality or favoritism. All employee performance must be evaluated against results produced in the best interest of the agency, its clients, and its member governments, not on personalities or politics.

This issue is of grave seriousness and it is necessary to abide with established procedures. Duplicity in attempting to manipulate Board members to your advantage will not be tolerated nor ignored.

15.00 JOB DESCRIPTIONS AND PERFORMANCE EVALUATIONS

15.01 JOB DESCRIPTIONS

Each Director will establish and periodically review an official job description for each regular full-time, part-time, or temporary position within the organization. Job Descriptions on new positions will be developed and submitted to the Executive Director for approval with a recommendation for competitive level. Job descriptions will identify both the Essential and Non-Essential (Marginal) Functions of the job, as well as the necessary qualifications; i.e., education, knowledge, skills and abilities.

15.02 REQUESTS FOR CLARIFICATION

In the absence of any request for clarification, each employee is considered to understand the responsibilities assigned to the position which he or she occupies. At hire or at any time an employee changes positions, he/she will sign the job description verifying their ability to perform the essential functions of the position with or without reasonable accommodation.

15.03 EMPLOYEE PERFORMANCE REVIEWS

The Executive Director will implement a system to subjectively evaluate every employee's job performance at regular intervals.

1. Employee job performance reviews shall be conducted as follows:
 - a. Performance reviews will be conducted annually in May.
 - b. A review can be performed at any time at the request of the supervisor, either when the supervisor deems job performance warrants a merit increase or notices a significant decline in the quality of job performance. **Note:** A performance review is necessary for recommendation of a merit pay increase.
2. Annual reviews should be completed and submitted by May 31.
3. Every employee performance review shall be in written form.
4. The employee's immediate supervisor shall conduct the review and the results will be discussed with the employee.
5. Each employee will be given the opportunity to respond, in writing, to any portion of the review. Such response, if any, will become a permanent part of the review.
6. The Executive Director may review employee performance reviews. The Executive Director shall have the authority to accept or reject and/or make written comments to the review.

7. Employee performance reviews will become a permanent part of the employee's personnel record.

16.00 PERSONNEL FILES

16.01 GENERAL

The Human Resources Office shall maintain a record of employment for each employee of ATCOG as follows:

1. Personnel File that may include, but not be limited to, applications, action notices, performance evaluations, commendations, certificates, disciplinary notes, formal disciplinary action documentation, etc.
2. Separate Personnel File which contains personal information such as W-4, home address, home phone, insurance and beneficiary information, etc.
3. A separate medical records file will be maintained in addition to regular personnel records. Such medical records will contain only information regarding an employee's medical profile, condition(s) or disabilities, if any. Medical files are confidential and shall be reviewed only on a need-to-know basis as determined by the Executive Director.
4. Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are excepted from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the Executive Director or by an employee authorized to do so by the Executive Director.

16.02 DISCLOSURE OF ADDRESSES AND TELEPHONE NUMBERS

Each employee may choose whether ATCOG discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within the first 14 days of employment, the home address and telephone number on file are considered public information. However, employees may change their election for disclosure or confidentiality at any time.

(Legal reference: Texas Government Code, Chapter 552)

16.03 REVIEWING PERSONNEL RECORDS

An employee or representative, designated in writing, may examine the employee's personnel file upon request during normal working hours in the Human Resources office.

1. Personnel files must be reviewed in view of the Executive Director or his designated representative.
2. Personnel files may not be removed from the control of the Human Resources Office.
3. Employees may be furnished copies of excerpts from their personnel records. A minimal cost of copying may be charged the employee.

16.04 SUPERVISOR'S ACCESS TO PERSONNEL RECORDS

At the discretion of the Human Resources Office, a management staff member may have access to the personnel file of an employee under their supervision for the purpose of handling personnel matters. Management personnel may not add or delete any information from the personnel records while in their care and custody without the expressed written authorization of the Executive Director.

16.05 CHANGES TO PERSONNEL RECORDS

Employees are required to inform the Human Resources Office, immediately, of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

16.06 PERSONNEL ACTION FORM

The Personnel Action Form is the official document for recording and transmitting to the personnel file each personnel action. The Personnel Action Form is completed on the employee's first day of work and a new form is prepared when there is any change in his or her status which relates to employment or benefits. Each Personnel Action Form becomes a permanent part of the employee's personnel file, and a copy is given to the employee each time an action occurs.

16.07 LEAVE RECORDS

Official records of vacation leave and sick leave accrual and of leave usage are kept for each employee by the Finance Director or designee. Leave records are updated at the end of each payroll period. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled.

16.08 INFORMATION REQUESTS & EMPLOYMENT REFERENCES

If employees wish ATCOG to verify information requested by outside sources for credit or other purposes, a release form with the employee's signature must accompany the request.

Employment references on former employees will be provided by Human Resources only as follows:

1. References with Written Approval: Salary history, job chronology and performance information may be released with written approval of the employee or ex-employee. This information will be released in writing and a copy retained in the employee's personnel file.
2. Telephone Inquiries: Information will be verified by human resources via telephone (after a reasonable caller identification) but will be limited to the following:
 - * date of hire and date of separation
 - * job title(s)
 - * confirmation of salary stated by caller

3. If the request for information is in writing, salary information will be verified in addition to the above. This verification will be in writing and a copy retained in the employee's file.

17.00 TRAVEL AND SUBSISTENCE

17.01 GENERAL

ATCOG will reimburse employees for necessary, reasonable and documented travel expenses incurred while performing their duties or while on official ATCOG business that complies with approved procedures. **Note: Wherever this policy states receipts are required for reimbursement, meals are always excluded.**

1. Employees shall be entitled to transportation, accommodations, and other services which are reasonable and necessary and meet adequate quality standards for convenience, safety, and comfort. Travelers shall, whenever possible, use the most economical accommodations and mode of transportation which meet reasonable requirements. Employees engaged in necessary and authorized travel to conduct ATCOG business will be reimbursed for allowable costs and documented expenses necessary to conduct the business of ATCOG. Reimbursable expenses generally will be for transportation, lodging, parking, tolls, and taxi, and meals if an overnight stay is required. Original receipts, or a certification of expense explaining why a receipt was not available, must accompany any request for reimbursement.
2. Expenses which are not allowed under the terms of grants, contracts, or agreements ATCOG has made with other agencies will not be reimbursed. Exceptions, as allowed under 41 CFR Part 301-11 Subpart D Per Diem Expenses, may require Executive Director approval and use of local funds. Employees must complete the Lodging Rate Exception Request form when submitting a travel request to utilize a lodging rate that exceeds the GSA maximum amount.
3. Where travel expenses exceed state or federal grant or contract limitations, the respective agency and, thus, ATCOG will only reimburse to specific limits or may deny payment entirely to employees who have received a written warning within a 6 month period for failure to submit travel expense vouchers on a timely basis, or employees who file for travel reimbursement after a program has been closed out.
4. ATCOG reserves the right to audit, review, investigate, or otherwise scrutinize any questionable request for travel reimbursement and delay or deny payments of same if such request is suspected or shown to contain fraudulent information, mathematical errors, or is not in conformance with reimbursement policies and procedures.
5. Coordination of travel must occur when two or more employees are traveling on the same dates with the same itinerary to conduct ATCOG business in a personally owned or leased motor vehicle. Mileage to meet or pick up other employees may be reimbursable.

17.02 DAY TRAVEL

1. Day travel will be by rental vehicle or personal vehicle, whichever option is most economical and feasible.
2. When traveling by personal vehicle, mileage will be reimbursed at a rate up to the Internal Revenue rate for the average per mile cost of operation, unless otherwise specifically mandated by contract or funding agency. Any exception will be on a case-by-case basis and must be preapproved by the Executive Director. ATCOG **will not** reimburse for meal expenses unless an overnight stay is required. When the most economical option is traveling by rental vehicle but the traveler chooses to travel by personal vehicle, the traveler will be reimbursed the actual cost of a rental vehicle on the ATCOG rental account. In this situation, the traveler will be reimbursed for fuel expenses at a standard sized car's average fuel economy rate of 26 miles per gallon at the price per gallon listed on the receipts supplied by traveler. To calculate, use the following formula:

$$\frac{\text{total miles traveled} \times \text{price per gallon}}{26 \text{ miles per gallon}} = \text{fuel reimbursement amount}$$
3. When traveling by rental vehicle, the rental vehicle should be procured through an ATCOG rental account unless a vehicle is not available or a lower rate is available elsewhere. Fuel will be reimbursed at actual cost shown on the receipts supplied by the traveler.
4. Travel between an employee's residence and ATCOG office (or place where employee normally offices) is not eligible for reimbursement. However, an employee who leaves his residence en route to another point, not his usual or customary reporting point or office, shall be reimbursed mileage for the lesser of either distance from the employee's residence to point of destination or from normal office or work site to point of destination.
5. When two or more employees travel in a single vehicle, only the employee whose vehicle is being utilized will receive mileage reimbursements.
6. Employees may request and, if approved, receive an advance for day travel. See Section 17.08, TRAVEL ADVANCES.

17.03 DAY TRAVEL EXPENSE REPORT

Employees will document all day travel expenses by completing the Day Travel Expense Report at the conclusion of each trip in accordance with the following procedures. Reimbursement of travel expenses must be approved by the appropriate Manager or Director and the Executive Director.

1. Any travel completed in one day does not require prior approval other than from the immediate supervisor/manager or director. However, supervising personnel may require the preparation of monthly itineraries in order to monitor travel for necessity, efficient scheduling, and cost. (If overnight travel is required, please refer to Section 17.04 for instructions.)

2. Employees will submit a completed Day Travel Expense Report form to their Supervisor once per month for reimbursement of known travel expenses.

17.04 OVERNIGHT TRAVEL

ATCOG will reimburse employees who travel overnight for reasonable and necessary expenses allowable in accordance with this policy.

1. All overnight travel must be pre-approved utilizing an Overnight Travel Expense Form regardless whether a cash advance is requested or not. (See 14.05 Overnight Expense Reports)
2. Overnight travel may be by either private or commercial transportation; however, the mode will be at the discretion of the appropriate Manager or Director and should be the most economical and feasible option.
3. Commercial air transportation will be approved on an individual basis by the Executive Director. Consideration will be based on available travel times, flight times, and the most economical fares available that allow for flight change or credit without fees (generally one of the lowest two fare options). Air travel should be booked between 3 weeks and 3 months prior to the trip.
4. Overnight travel by personal vehicle will be reimbursed at the lesser of actual mileage at current ATCOG mileage rate or the actual cost of airfare or rental vehicle at the most economical fares available. When two or more employees travel in a single vehicle, only the employee whose vehicle is being utilized will receive mileage reimbursements. When the most economical option is traveling by rental vehicle but the traveler chooses to travel by personal vehicle, the traveler will be reimbursed the actual cost of a rental vehicle on the ATCOG rental account. In this situation, the traveler will be reimbursed for fuel expenses at a standard sized car average fuel economy rate of 26 miles per gallon at the price per gallon listed on the receipts supplied by traveler. To calculate, use the following formula:

$$\frac{\text{total miles traveled} \times \text{price per gallon}}{26 \text{ miles per gallon}} = \text{fuel reimbursement amount}$$

5. Commercial bus/train transportation will be reimbursed based on the lesser of the actual bus/train fare, actual mileage at current ATCOG mileage rates, or the most economical fares available. 6. When travelling by commercial air transportation, travelers may use vehicle rental or Transportation Network Companies, such as Uber or Lyft, whichever is the most economical and feasible option. When travelling by rental vehicle, the vehicle should be procured through an ATCOG rental account unless a vehicle is not available or a lower rate is available elsewhere. Fuel will be reimbursed at actual cost shown on the receipts supplied by traveler. When travelling by Transportation Network

Companies, travelers will be reimbursed on an actual cost basis.
Travelers may be reimbursed up to 15% for driver gratuity.

7. Vehicle rental, when used as the primary means of transportation, shall be approved in advance and will be reimbursed at the lesser of actual rental cost, actual mileage at current ATCOG mileage rates, or the cost of airfare at the most economical fare available. The rental vehicle should be procured through an ATCOG rental account unless a vehicle is not available or a lower rate is available elsewhere.
8. Lodging reservations should correlate to meeting/training schedules. Employees should not reserve an additional hotel night if the employee can arrive home safely by 9pm including stops for meals and fuel (i.e. Meeting is 3 hours from home and concludes at 5pm. Meeting is 6 hours from home and concludes at 2pm.). When possible, employees should adjust their work schedules so as not to exceed 40 hours worked in a seven-day workweek. Work schedule adjustments must be approved by the supervisor. The Executive Director may approve exceptions on a case by case basis.

17.05 OVERNIGHT TRAVEL EXPENSE REPORTS

1. Overnight travel must be pre-approved by completing an Overnight Travel Expense Report form. An Overnight Travel Expense Report form must be submitted regardless whether or not a cash advance is requested.
2. When requesting a cash advance, the request must be submitted at minimum 15 days before travel date and maximum 30 days before travel date.
2. The traveling employee must submit an Overnight Travel Expense Report form documenting actual expenses as soon as possible once travel is complete. Failure to do so will result in the employee not being reimbursed for his or her expenses.

17.06 TRAVEL EXPENSE PROVISIONS

1. **Personal Vehicle:** Use of personal vehicles for ATCOG-related travel shall be reimbursed for mileage, tolls and parking expenses. Mileage will be reimbursed at a rate up to the Internal Revenue rate for the average per mile cost of operation, unless otherwise specifically mandated by contract or funding agency.
2. **Commercial Transportation:** Employees will purchase their own airline/bus/train tickets using their own funds, funds received in a cash advance, or by charging to the ATCOG credit card. The used ticket must be attached to the Overnight Travel Expense Report.
3. **Lodging:** Lodging expenses (room rate plus non-exempt tax) will be reimbursed based upon federal travel regulations as adopted by the State

of Texas and upon approved travel departure/return schedules. Actual receipts for lodging must be attached to the Overnight Travel Expense Report. Taxes are not included in the maximum lodging allowance, but they must be notated on the expense report as "Hotel Taxes." When no city or county is listed in the Federal GSA, the maximum allowable daily reimbursement for lodging will be as published in the annual GSA update. Exceptions, as allowed under 41 CFR Part 301-11 Subpart D Per Diem Expenses, may require Executive Director approval and use of local funds. Employees must complete the Lodging Rate Exception Request form when submitting a travel request to utilize a lodging rate that exceeds the GSA maximum amount as noted in Section 17.02 of this policy. Lodging reservations should be made with the vendor directly rather than third party travel agencies.

4. **Incidental Travel Costs:** Expenses for taxis, other ground transportation, approved registration fees, reception tickets (staff and members only), and other required meeting expenses which are properly documented, will be reimbursed at actual cost. When traveling by air, ATCOG will reimburse for one checked bag at regular weight [if you check more than one bag or your one bag is overweight, you will be responsible for the additional charge(s)]. A receipt is required for reimbursement for your one checked bag. Other expenses, when itemized and properly documented and approved in advance by the Executive Director, will be reimbursed at actual cost. When traveling on official business, toll expenses are reimbursable without a receipt.
5. **Meal Allowances:** Use federal rates provided by the US General Services Administration (GSA) to determine meal reimbursement. First and last day of travel will be reimbursed at 75% of the maximum allowable daily meal rate per GSA. When no city or county is listed in the GSA, the maximum allowable daily reimbursement for meals will be as published in the annual GSA update. Meal allowance may be reduced to increase lodging allowance. Meal receipts are not required for reimbursement. NOTE: An overnight stay is required for any meal reimbursements.
6. **Mileage Reimbursement:** Mileage will be reimbursed at a rate up to the Internal Revenue rate for the average per mile cost of operation, unless otherwise specifically mandated by contract or funding agency. The amount of mileage reimbursement may not exceed the number of miles traveled; and the applicable mileage rate. There are two methods of calculation: (1) the Google electronic search engine, or (2) Odometer readings on a Point-to-Point basis. The shortest route is presumed to be the most cost-effective. The traveler's statement is required if a longer route is considered to be a reasonably safer route. Mileage while obtaining meals within a duty point is reimbursable, but only if the meal expense is reimbursable. Mileage while obtaining meals outside a duty point is reimbursable only to the boundary of the duty point.
7. **Travel by Rental Vehicle:** Rental vehicles should be procured through an ATCOG account unless a vehicle is not available or a lower rate is

available elsewhere. Rental vehicle receipts must be original and complete. A carbon copy of a rental vehicle receipt from the rental company is acceptable. If unavailable and a photocopy of receipt is used, the supporting documentation must include: (1) the starting and ending dates of the rental; (2) the name of motor vehicle rental company; (3) the name of the renter; and (4) an itemization of the expenses incurred. Reimbursable costs include: (1) applicable taxes and similar mandatory charges; (2) a charge for an additional driver only if the charge is incurred for an official business reason; and (3) a charge for a collision damage waiver or a loss damage waiver unless the waiver is included in the contracted rate for the rental. **Non-Reimbursable** costs include a charge for a liability insurance supplement, personal accident insurance, safe trip insurance, or personal effects insurance.

17.07 NON-REIMBURSABLE EXPENSES

Costs of personal entertainment, spouse's expenses, amusements, social activities (not associated with an official function), alcoholic beverages, gratuities (exception: driver gratuity when using Transportation Network Company), traffic citations, repairs to a personal vehicle, or any illegal activity are not eligible for reimbursement.

17.08 TRAVEL ADVANCES AND APPROVAL

Employees may request travel advances by submitting such request in sufficient time to be included in the regular accounts payable run prior to departure date. Special advance runs will involve short notice travel. If prior approval to travel is required by the funding agency, such approval must be attached to the Overnight Travel Expense Report form. No advances shall be processed if the individual employee requesting the advance has any previous outstanding advances. Exceptions may be granted when timing of travel requires. All cash advances will be cleared as soon as possible.

17.09 REGISTRATION FEES

Registration fees for seminars and conferences will be paid by check or credit card and normally will be paid directly to the organization sponsoring the seminar, conference or function. Advance approval will be required by completing a Requisition and submitting it to the Finance Office for payment.

17.10 TRAVEL REPORT ROUTING AND AUDIT

1. Upon submission to and review by the Finance Accounting Assistant, all travel reports will be routed through the Finance Director prior to payment. All travel reports shall be complete, including signatures, receipts and documentation. Incomplete travel reports will be returned to the employee and may result in the delay of payment.
2. Program auditors or monitors and the Finance Director will make random periodic audits of all travel reports. The, at his/her discretion, may contact

persons identified as visited by an employee during travel. Rand McNally and/or MapQuest will be used as an audit tool to calculate mileage.

17.11 TRAVEL AND MOVING EXPENSES

Travel and/or moving expense involving applicants, new employees, or transferred employees may be reimbursed by approval of the Executive Director. Approval of these types of expenses will be determined on a case-by-case basis.

17.12 NON-TRAVEL EXPENSES

Non-travel related expenses incurred by an employee require pre-purchase approval on a Requisition form authorizing issuance of a purchase order. Reimbursement for actual cost will be filed on a Disbursement Voucher that must be signed and approved as required, with the requisition form, yellow copy of the purchase order, and receipts attached.

17.13 OTHER

Annual leave or leaves of absence may be taken in conjunction with authorized travel when approved in advance by appropriate Program Manager and/or Director, or the Executive Director as applicable. Alternate routes that are desirable because of the personal leave of the traveler can be used, but only on the traveler's time and with the traveler bearing any additional cost of the alternate route. Normal travel departure times and dates related to ATCOG business will be used for determining expense reimbursement.

18.00 PROFESSIONAL DEVELOPMENT

18.01 GENERAL POLICY

ATCOG encourages its employees to take advantage of educational or training opportunities and professional memberships that are related to and will enhance the performance of the employees' work.

18.02 SEMINARS AND CONFERENCES

When an employee is required to attend any educational seminar, conference, or training course, ATCOG will provide the necessary absence from normal work duties with pay and will pay the allowable and necessary associated expenses according to travel policy if funds are available.

18.03 PROFESSIONAL MEMBERSHIPS AND SEMINARS

Subject to the prior approval of the Executive Director, an employee who joins a professional association related to their job area may be reimbursed for dues and necessary travel expense when meetings are judged to offer special training or information of value to the employee in their job performance. Likewise, subject to the Executive Director's prior approval, an employee may be reimbursed for conference or seminar expenses if the conference or seminar is related to his or her work.

ATTACHMENT A

CODE OF ETHICS

Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.

I. Serve the Public Interest

Serve the public, beyond serving oneself.

ATCOG employees shall:

- a. Exercise discretionary authority to promote the public interest.
- b. Adhere to all laws and regulations that provide equal opportunity for all Americans, regardless of race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, or gender identity or expression.
- c. Recognize and support the public's right to know the public's business.
- d. Not engage in financial transactions using non-public government information or allow the improper use of such information to further any private interest.
- e. Not, except as permitted by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or persons whose interests may be substantially affected by the performance or non-performance of the employee's duties.
- f. Not knowingly make unauthorized commitments or promises of any kind purporting to bind the government.
- g. Not use public office for private gain.
- h. Protect and conserve public property and shall not use it for other than authorized activities.
- i. Exercise compassion, benevolence, fairness and optimism.
- j. Respond to the public in ways that are complete, clear, and easy to understand.
- k. Assist citizens in their dealings with government.
- l. Be prepared to make decisions that may not be popular.

II. Respect the Constitution and the Law

Respect, support, and study government constitutions and laws that define responsibilities of public agencies, employees, and all citizens.

ATCOG employees shall:

- a. Understand and apply legislation and regulations relevant to their professional role.
- b. Work to improve and change laws and policies that are counter-productive or obsolete.
- c. Eliminate unlawful discrimination.
- d. Prevent all forms of mismanagement of public funds by establishing and maintaining strong fiscal and management controls, and by supporting audits and investigative activities.
- e. Respect and protect privileged information.

- f. Encourage and facilitate legitimate dissent activities in government and protect the whistle-blowing rights of public employees.
- g. Promote constitutional principles of equality, fairness, representativeness, responsiveness and due process in protecting citizens' rights.

III. Demonstrate Personal Integrity

Demonstrate the highest standards in all activities to inspire public confidence and trust in public service.

ATCOG employees shall:

- a. Maintain truthfulness and honesty and not compromise them for advancement, honor, or financial gain.
- b. Ensure that others receive credit for their work and contributions.
- c. Zealously guard against conflict of interest or its appearance: e.g., nepotism, improper outside employment, misuse of public resources or the acceptance of gifts.
- d. Respect superiors, subordinates, colleagues, and the public.
- e. Take responsibility for his/her own errors.
- f. Conduct official acts without partisanship.
- g. Act impartially and shall not give preferential treatment to any private organization or individual.
- h. Put forth honest effort in the performance of their duties.
- i. Endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part.

IV. Promote Ethical Organizations

Strengthen organizational capabilities to apply ethics, efficiency and effectiveness in serving the public.

ATCOG employees shall:

- a. Enhance organizational capacity for open communication, creativity, and dedication.
- b. Subordinate institutional loyalties to the public good.
- c. Establish procedures that promote ethical behavior and hold individuals and organizations accountable for their conduct.
- d. Provide organization members with an administrative means for dissent, assurance of due process and safeguards against reprisal.
- e. Promote merit principles that protect against arbitrary and capricious actions.
- f. Promote organizational accountability through appropriate controls and procedures.
- g. Encourage organization to adopt, distribute, and periodically review a code of ethics as a living document.

V. Strive for Professional Excellence

Strengthen individual capabilities and encourage the professional development of others.

ATCOG employees shall:

- a. Provide support and encouragement to upgrade competence.
- b. Accept as a personal duty the responsibility to keep up to date on emerging issues and potential problems.
- c. Encourage others, throughout their careers, to participate in professional activities and associations.
- d. Allocate time to meet with students and provide a bridge between classroom studies and the realities of public service.

This Code of Ethics primarily mirrors the Code of Ethics published by the American Society for Public Administration and incorporates the fourteen general principles of ethical conduct set forth in Executive Order 12674.

ATTACHMENT B

**POLICIES AND PROCEDURES PERTAINING
TO EMPLOYEES INVOLVED
IN DIRECT DELIVERY OF SERVICES**

The Policies and Procedures Manual (hereinafter referred to as “Manual”) of Ark-Tex Council of Governments (ATCOG) adopted on March 28, 2002, as amended on March 27, 2014, with approval by the Board of Directors, will apply to all employees. However, realizing that employees involved in the direct delivery of services will have working conditions unrelated to other employees, some sections of the Manual will not be applicable to those employees. Therefore, the following policies as outlined in Attachment B will apply directly to employees involved in the direct delivery of services. **In all cases** policies in Attachment B will take precedence over sections in the Manual wherein a contradiction arises.

All employees involved in the direct delivery of services should refer to policies below for daily operating guidelines.

1. Working Hours: Work hours for employees involved in the direct delivery of services will normally be Monday through Saturday and will fluctuate according to needs that arise. Some employees will be required to work on Sunday as scheduled and dependent upon particular bus routes and services. Employees will be given a work schedule as soon as possible before each shift, and throughout the shift as schedule changes occur for those drivers not on a fixed route. Refer to 9.00 WORK SCHEDULES AND TIME REPORTING of the Manual for other policies pertaining to working hours.
2. Sick Leave: If an employee is ill or has an emergency sick leave situation, he/she will notify the supervisor **immediately** and is not to wait until such time as his/her shift begins, in order for the supervisor to arrange adequate shift coverage. Refer to 6.09 USE OF SICK LEAVE of the Manual for other policies pertaining to use of sick leave.
3. Emergency/Bereavement Leave. If an employee has a death in the immediate family for which bereavement leave is required, that employee must report the need for leave to his/her supervisor **immediately**, in order for the supervisor to arrange adequate shift coverage. Refer to 6.20 EMERGENCY/BEREAVEMENT LEAVE of the Manual for other policies pertaining to bereavement leave.
4. Attendance: Employees who expect to be late for or absent from work must report the expected tardiness or absence to his/her supervisor **immediately**, in order for the supervisor to arrange adequate shift coverage. Refer to 3.05 TIMELINESS AND ATTENDANCE of the Manual for other policies pertaining to attendance.
5. Holidays: Employees involved in the direct delivery of services may not be able to observe holidays on the day the holiday actually occurs. However, those employees will be given another day off with pay in lieu of the holiday as scheduling permits. The employee must take the make-up holiday within 30 days of the holiday or forfeit that holiday without compensation. The holiday may also be taken prior to the actual date within the current payroll period. In addition, employees working alternate schedules must be in a paid leave status the scheduled

work day before and the scheduled work day after a holiday in order to receive pay for the holiday. Refer to 8.00 HOLIDAYS of the Manual for the holidays observed by ATCOG and other policies pertaining to holidays.

ATTACHMENT C

ARK-TEX COUNCIL OF GOVERNMENTS (ATCOG) RECORDS MANAGEMENT

Policy

ATCOG will provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use and disposition of all ATCOG records through a comprehensive system of integrated procedures for the managements of records from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act, accepted records management practice, and relevant federal regulations.

Definitions

1. ATCOG Records: All documents, papers, letter, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, create or received by ATCOG or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of ATCOG and shall be created, maintained and disposed of in accordance with the policies and procedures authorized by it and in no other manner.
2. Program Heads: The highest position in the various programs administered by ATCOG, i.e., division directors, and program/department managers, coordinators or planners.
3. Essential Record: Any record of ATCOG necessary to the resumption or continuation of its operation in an emergency or disaster, to the re-creation of its legal and financial status, or to the protection and fulfillment of obligations to the people of the state.
4. Permanent Record: Any record of ATCOG for which the retention period on a records control schedule is given as permanent.
5. Records Control Schedule: A document prepared by or under the authority of the records management officer listing the records maintained by ATCOG, their retention periods, and other records disposition information that the records management program may require.
6. Records Management: The application of management techniques to the creation, use, maintenance, retention, preservation and disposal of records for the purposes of reducing the costs and improving the efficiency of record keeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports and correspondence, and the management of micrographics and electronic and other records storage systems.

7. Retention Period: The minimum time that must pass after the creation, recording, or receipt of a record or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

Records Declared Public Property

All ATCOG records as defined are hereby declared to be the property of ATCOG. No ATCOG official or employee has, by virtue of his/her position, any personal or property right to such records even though he/she may have developed or compiled them. The unauthorized destructions, removal from files or use of such records is prohibited.

Records Management Officer Designation and Duties

The Deputy Director and the successive holders of said position shall serve as the Records Management Officer. As provided by state law, each successive holder of the office shall file his or her name with the Director and Librarian of the Texas State Library within thirty days of the initial designation, or of taking up the position, as applicable.

In addition to other duties identified in these procedures, the Records Management Officer shall:

1. Administer the records management program and provide assistance to management in its implementation;
2. Plan, formulate, and prescribe records disposition policies, systems, standards and procedures;
3. In cooperation with the Executive Director and program heads, identify essential records and establish a disaster plan for each office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
4. Develop procedures to ensure the permanent preservation of historically valuable records;
5. Establish standards for filing and storage equipment, and for recordkeeping supplies;
6. Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system;
7. Provide records management advice and assistance to all program areas by preparation of a manual(s) of procedure and policy and by on-site consultation;
8. Monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the records control schedules are in compliance with state regulations;
9. Disseminate to the Board of Directors, the Executive Director, and the program heads information concerning state laws and administrative rules relating to local government records;

10. Instruct records liaison officers and other personnel in policies and proceeds of the Records Management Plan and their duties in the records management program;
11. Direct records liaison officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and ATCOG policy;
12. Ensure that the maintenance, preservation, microfilming, destruction or other disposition of ATCOG records is carried out in accordance with the policies and procedures of the records management program and the requirement of state law;
13. Maintain records as follows: records destroyed under approved records control schedules; records microfilmed or stored electronically; and the estimated cost and space savings as the result of such disposal or disposition;
14. Bring to the attention of the Executive Director any agency non-compliance with the policies and procedures of the records management program or the Local Government Records Act.

Duties and Responsibilities of Program Heads

In addition to their duties as assigned in these procedures, the program heads will:

1. Work in a cooperative fashion to a) implement the policies and procedures established for the efficient and economical management of records; and b) carry out their requirements;
2. Adequately document the transaction of government business and the services, programs, and duties for which the program head and his/her staff are responsible; and
3. Maintain the records in his/her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the ATCOG records management program.

Records Liaison Officers Designation and Duties

The program heads may either serve as records liaison officer(s) or may designate a member or members of their staff to serve as records liaison officer(s) for the implementation of the records management program in the program or department involved. However, all ATCOG staff are responsible for their program records and should be thoroughly familiar with all the records created and maintained by their program.

In addition to other duties assigned in these procedures, records liaison officers shall:

1. Conduct or supervise the process of inventories of the records of their program or department in preparation for the development of records control schedules;
2. In cooperation with the Records Management Officer, coordinate and implement the policies and procedures related to records management in their programs and

3. Disseminate information to all program staff concerning the records management program.

Records Management Plan Development Approval and Authority

The Plan must be designed to enable the Records Management Officer to carry out his/her duties prescribed by state law and policies and procedures effectively.

1. The Plan shall be binding on all offices, divisions, departments, programs, commissions, bureaus, boards, committees, or similar entities of ATCOG and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the Plan.
2. State law relating to the duties, other responsibilities, or record keeping requirement of a program head does not exempt that program head or the records in their care from the application of these policies and procedures and the Plan adopted under it and may not be used by the program head as a basis for refusal to participate in the ATCOG records management program.

Records Control Schedule Development, Approval and Filing with the State

The Records Management Officer, in cooperation with the program head and records liaison officers, shall prepare records control schedules listing all records created or received and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of records as the Plan may require.

Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the ATCOG records management program.

A records control schedule must be submitted by the Records Management Officer to and accepted for filing by the Director and Librarian of the Texas State Library, as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing.

Records Control Schedule Implementation and Records Destruction

A records control schedule that has been approved shall be implemented by program heads and records liaison officers according to the policies and procedures of the Records Management Plan.

A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record; the subject matter of the record is pertinent to a pending lawsuit; or the Records Management Officer determines that the record should be retained for an additional period.

Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the Records Management Officer from the Executive Director.

Destruction of Unscheduled Records

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and if the Records Management Officer has submitted to and received back from the program head and an appropriate records liaison officer, if applicable, an approved destruction authorization request.

Micrographics

Microfilming of records will be centralized and under the direct supervision of the Records Management Officer unless specifically exempted. The Plan will establish policies and procedures for the microfilming of designated records, including policies to ensure that all microfilming is done in accordance with standards and procedures for the microfilming of local government records established in the rules of the Texas State Library and Archives Commission. The Plan will also establish criteria determining the eligibility of records for microfilming and protocols for ensuring that a microfilming program that is exempted from the centralized operations is, nevertheless, subject to periodic review by the Records Management Officer as to cost-effectiveness, administrative efficiency, and compliance with commission rules.