



El Paso County ESD #2

EMPLOYEE HANDBOOK

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WELCOME TO EL PASO COUNTY ESD#2

PURPOSE OF THIS HANDBOOK

This handbook has been prepared to inform you about the District's philosophy, employment practices, and policies, as well as the benefits provided to you as a valued employee and the conduct expected from you.

No employee handbook can answer every question, nor would we want to restrict the normal question and answer interchange between us. It is in our person-to-person conversations that we can better know each other, express our views, and work together in a harmonious relationship. This handbook was created by the District for your use and reference as an employee. If you have any questions regarding this handbook or anything you read in it, please contact the District's Administrative Office at (915) 851-0304.

We hope this handbook will help you feel comfortable with us. We depend upon you – your success is our success. Please do not hesitate to ask questions. Your supervisor will gladly answer them. We believe you will enjoy your work and your fellow employees here. We also believe you will find the District a good place to work.

We ask that you read this Handbook carefully and refer to it whenever questions arise. We also suggest that you take it home so your family can become familiar with the District and our policies.

The District maintains the rights to establish, change, and abolish provisions in this Handbook at any time, with or without prior notice to the District's employees. If and when provisions are changed you will be given replacement pages for those that have become outdated. This Handbook supersedes and replaces any and all previous personnel manuals, policies, practices, or guidelines.

This handbook, and all the policies described herein, apply to all employees of El Paso County ESD #2, to include West Valley Fire Department, Fabens Fire and Rescue, Clint Fire Department, Socorro Fire Department, San Elizario Fire and Rescue and Montana Vista Fire and Rescue, all of which are referred to throughout this handbook as the District.

It is the policy of the District to maintain personnel records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government record keeping and reporting requirements. All personnel records are kept under lock and key and are exclusive only to employee, officers and Commissioners of the District. Employees interested in observing their own personnel file may do so only in the presence of their supervisor. The District reserves the right to decline copies of personnel records, disciplinary notices, and/or termination notices requested by employees or former employees of the District.



EMPLOYMENT WITH EL PASO COUNTY ESD#2

EMPLOYMENT AT-WILL

Employment with the District is “at-will.” This means that both the District and the employee have the right to terminate the employment relationship at any time, for any reason, with or without prior notice. Thus, nothing in this Manual or any other District document should be understood as creating guaranteed or continued employment, employment for any specific duration of time, a requirement that “cause” exist before termination, or any other guarantee or continued benefits. Demotion, layoff, reassignment, or transfer may also occur at any time, with or without notice. This at-will relationship is the full and complete agreement regarding the duration of employment and may be altered only by an individual written agreement signed by the Board of Commissioners and which expressly changes this “at-will” relationship.

This Employee Handbook does not create a contract, either expressed or implied, between you and the “District.”

WHAT THE DISTRICT EXPECTS FROM YOU

Your first responsibility is to know your own duties and how to do them promptly, correctly and pleasantly. Secondly, you are expected to cooperate with management and your fellow employees and maintain a good team attitude. How you interact with fellow employees and those whom the District serves, and how you accept direction will affect the success of your department. In turn, the performance of one department can impact the entire service offered by the District. Consequently, whatever your position you have an important assignment: perform every task to the very best of your ability. The result will be better performance for the District overall and personal satisfaction for you.

You are encouraged to grasp opportunities for personal development that are offered to you. This manual offers insight on how you can positively perform to the best of your ability to meet and exceed the District's expectations.

We strongly believe you should have the right to make your own choices in matters that concern and control your life. We believe in direct access to management. We are dedicated to making the District a place where you can approach your supervisor, or any member of management, to discuss any problem or question. We expect you to voice your opinions and contribute your suggestions to improve the quality of the District. Remember, you help create the healthful, pleasant and safe working conditions that the District desires for you. Your dignity and that of fellow employees, as well as that of our community, is important.

- Always be courteous in dealing with other employees. Make "please" and "thank you" a regular part of your working vocabulary.
- Do not bring your personal problems to work with you. This is a key role in getting along with others. Do not let your personal difficulties affect your treatment of others.
- Work as quietly as possible, especially in an office area. Unnecessary talking slows down not only you, but also the person that you are talking to and the others in that area.
- Your job is your home for a large part of the day. Treat your fellow employees as you would want the people in your home to be treated.



- Having a full staff is like fielding a complete team. It is important to be at work and ready to work by your scheduled time. Be punctual, and be sure of your schedule. Schedule your day so you can be on time and effective.
- Be aware that being late or not coming to work causes hardship on your fellow workers, as well as on the District.
- If you are unable to come to work at your scheduled time, you must call in, in accordance with the Attendance policy. This enables us to prepare for the personnel shortage. If you are unable to reach your supervisor you must call our Administrative Office and speak personally to someone to report your absence or tardiness.

The District needs your help in making each working day enjoyable and rewarding.

EQUAL OPPORTUNITY EMPLOYMENT POLICY

The District is an equal opportunity employer and makes employment decisions on the basis of merit. We want to have the best available people in every job. The District's policy prohibits unlawful discrimination based on race, color, creed, gender, gender identity, religion, marital status, age, national origin or ancestry, physical or mental disability, medical condition including genetic characteristics, pregnancy, sexual orientation, veteran status, or any other consideration made unlawful by federal, state, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful.

The District's policy of nondiscrimination applies to all personnel and employment practices, including the following: hiring, compensation, benefits, recruitment, training, educational programs, promotions, transfer, job assignment practices, performance management, discipline, termination and other similar employment decisions. In addition, the District acknowledges and endeavors to comply with the Americans with Disabilities Act, and does not discriminate against any individual who can perform the essential functions of his or her job with or without a reasonable accommodation. Employees who believe that they have been the subject of any discrimination or unlawful harassment must report the violation to their supervisor, to the Administrative Office or to another member of management with whom they feel comfortable.

The District is committed to complying with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the District's operations and prohibits unlawful discrimination by any employee of the District. Each member of management is responsible for creating an atmosphere free of discrimination, retaliation and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their coworkers.

The District prohibits any form of retaliation against any employee for filing a complaint under this policy or for assisting with a complaint investigation.

EMPLOYEE RELATIONS

We are dedicated to what we believe to be an excellent employee relations program. We will do our best to maintain good working conditions, competitive wages and benefits for eligible employees, open

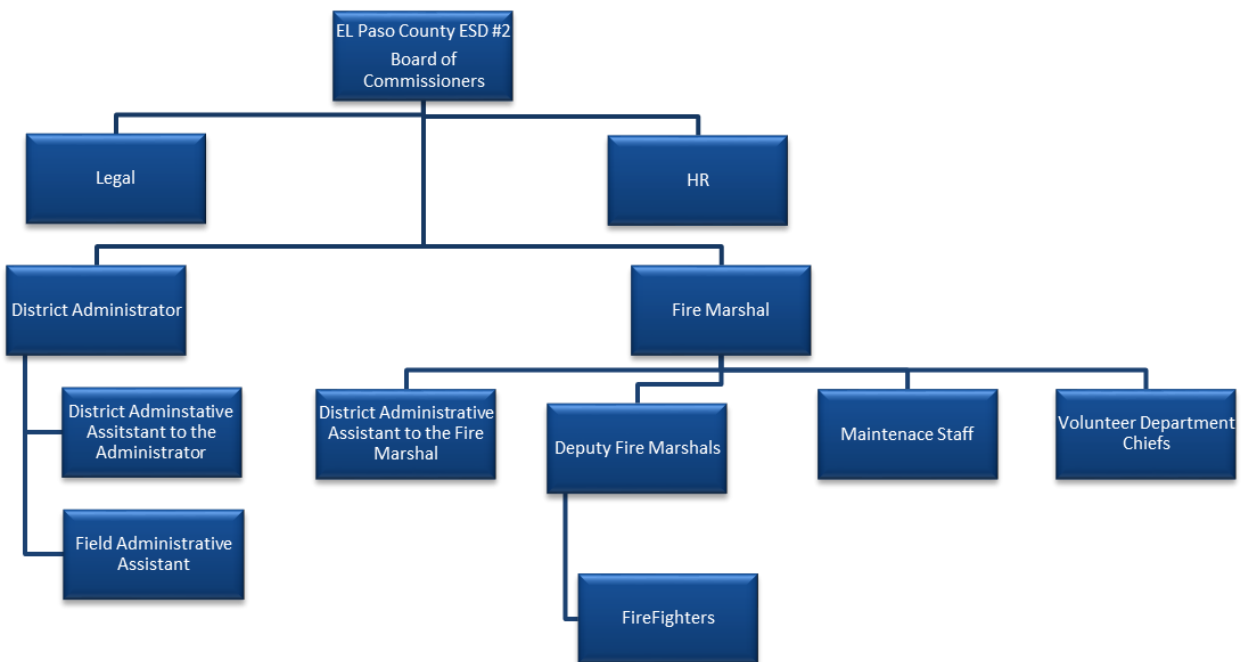


communications, and employee involvement. Please tell us if you have a problem. You'll find us receptive to your concerns. We are always looking for ways to make this a better place to work.

OPEN DOOR POLICY / CHAIN OF COMMAND

The District's management team is always willing to meet with an employee on a one-to-one basis to review workplace issues that affect you. We encourage you to discuss your questions and issues regarding any aspect of your employment with your supervisor. Most situations can, and will be, resolved at this level. In the event, however, that an employee is not satisfied with the results received at this level, they are invited to take their issues to a higher level of management; either through the use of our **Employee Complaint Procedure** or through exercising the provisions of this Open-Door Policy.

Our Open-Door Policy ensures employees that management personnel of the District will be available for discussions; upon requests through suitable channels (i.e. Chain of Command). You may feel free to request a meeting with any member of management, without fear of criticism, as they are committed to answering your questions and addressing your concerns. For clarification on Chain of Command, please refer to the District's **Organizational Chart** below.



AMERICANS WITH DISABILITIES ACT (ADA)

The District is committed to compliance with all applicable state and federal laws, including the Americans with Disabilities Act. The District will reasonably accommodate all applicants and employees who can perform the essential functions of his or her position or desired position, unless to do so would impose an undue hardship on The District.

As part of its commitment to make reasonable accommodations, the District wishes to participate in a timely, good faith, interactive process with the disabled applicant or employee to determine effective reasonable accommodations, if any, which can be made in response to a request for accommodations. Applicants and employees are invited to identify reasonable accommodations that can be made to assist them to perform the essential functions of the position they seek to occupy. They should contact their supervisor or Administrative Office at (915) 851-0304 as soon as possible to request the opportunity to participate in a timely interactive process. By working together in good faith, the District hopes to implement any reasonable accommodations that are appropriate and consistent with its legal obligations.

POLICY AGAINST UNLAWFUL HARASSMENT

In accordance with state and federal law, the District has adopted and maintains strict enforcement of its policy against unlawful harassment. This policy applies to all employer agents and employees, including supervisors and non-supervisory employees. It also extends to vendors, independent contractors, clients, and others doing business with the District.

Unlawful harassment is harassment that creates a work environment that is hostile, offensive, or intimidating to an employee and is made that way on the basis of his or her sex, gender identification, race, color, religion, ancestry, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), pregnancy, age, marital or familial status, veteran status, or sexual orientation.

Sexual harassment is specifically defined as unwelcome sexual advances (either verbal or physical), requests for favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made a condition of an individual's employment, submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting this individual, or such conduct has the purpose or effect of interfering with an individual's work performance or creating an unfriendly or offensive work environment.

The intent of this policy is to eliminate unlawful harassment from occurring at work. All employees are encouraged to cooperate and abide by this policy and must be aware that the District will not condone or tolerate any such unlawful harassment.

The following are examples, though not exhaustive, of the types of actions that might be considered unlawful harassment:



- Unwanted sexual advances or conduct that has the purpose or effect of unreasonably interfering with the individual’s work performance or creating an environment that is intimidating, hostile or offensive;
- Offering or withholding of employment or employment benefits in exchange for sexual favors;
- Actual or threatened retaliation or reprisals as a result of a negative response to harassment
- Suggestive or degrading words, comments, or suggestions;
- Verbal abuse, including making or using derogatory comments, innuendos, epithets, slurs, propositions or jokes;
- Sending obscene letters, notes or invitations;
- Unwelcome physical contact, unwanted touching, assault, or impeding or blocking of movement; Sexual comments including graphic comments about an individual’s body; and
- Graphic, sexually suggestive, and/or sexually verbal comments about an individual or an individual’s body.

The District has a zero-tolerance policy for unlawful harassment on the basis of a protected characteristic. Any employee who observes or is subjected to unlawful harassment committed by anyone, including supervisors, co-workers, clients, agents, vendors, public or any third parties should promptly and fully report the facts of the incident and the names of the individuals involved by following the Chain of Command or Administrative Office at (915) 851-0304. Supervisors who receive complaints from employees or who observe unlawful harassment should immediately inform Management by following Chain of Command. It is the responsibility of each employee to immediately report any violation or suspected violation of this policy. The District will promptly and thoroughly investigate all reports of unlawful harassment, and take appropriate corrective action, including discipline, when it is warranted.

The District will endeavor to maintain the confidentiality of any complaint and investigation to the extent it is feasible. However, the District retains the right to inform persons it deems to have a need to know and to utilize information obtained during the investigation for legitimate business purposes. After the investigation concludes, the District will inform the complaining employee of the outcome of the investigation to the extent practicable. Any employee who engages in harassment is subject to disciplinary action, up to and including termination of employment.

THIRD PARTY HARASSMENT

If you have been harassed or witnessed harassment by or towards a third party (e.g., contractor, customer, public or vendor), you must report the incident promptly in accordance with the reporting procedures described in the policy. The District will investigate and resolve the complaint in a manner consistent to that set forth in this manual.

NON-RETALIATION

The District will not retaliate against individuals who report harassment or who participate in any harassment proceeding or investigation conducted by the District or the Texas Workforce Commission – Civil Rights Division. Complaints made in good faith under this policy will not result in any adverse action against the person making the complaint. Similarly, any employee who participates or cooperates in good faith in an investigation or any aspect of the process described above shall not be treated adversely because of the participation. Any



employee who engages in any form of retaliation will be subject to appropriate disciplinary action up to and including termination of employment. Any employee who engages in retaliation is subject to disciplinary action, up to and including termination of employment. Employees who believe they have been subject to retaliation should report it using the **Employee Complaint Procedure** described in this policy.

REPORTING HARASSMENT, DISCRIMINATION or RETALIATION

The District strongly urges employees to report all incidents of discrimination, harassment, workplace violence or retaliation, regardless of the offender's identity or position. Employees who believe they have experienced conduct they believe is contrary to the District's policy, or who have concerns about such matters, should follow our complaint procedure outlined in our **Employee Complaint Procedure**, before the conduct becomes severe or pervasive.

Employees shall make any complaint of harassment, discrimination or retaliation to the immediate supervisor, unless the complaint is about such immediate supervisor, in which case a complaint may be brought to the attention of the commissioners. All complaints must be made promptly, and the District encourages employees to make complaints in writing, so there is no dispute or uncertainty as to the nature of the complaint, but a written complaint is not required. The District will investigate all complaints in accordance with its **Employee Complaint Procedure**. All complaints will be held in confidence, to the extent reasonably possible, and consistent with the District's ability to conduct a full investigation. As part of the investigative process, any employee may be asked to provide information and/or documents, and may be required to sign a written statement summarizing or evidencing what such employee observed or heard. The District will take all reasonable steps to commence and complete its investigations as soon as reasonably practicable. Upon a completion of an investigation, the District will make a decision, and will report to a complainant, the resolution of the complaint.

WORKPLACE VIOLENCE

The District is committed to providing a working environment free of workplace violence, which includes verbal or physical threats of violence, aggressive behavior, violent outbursts, threats or use of weapons of any kind. The District will not tolerate workplace violence under any circumstances and it may lead to disciplinary action, up to and including termination.

If any employee observes, becomes aware of, or has been subjected to workplace violence by a supervisor, co-worker, customer or visitor, he or she should report the incident promptly to his or her supervisor, to Administration, or to any other member of management with whom they feel comfortable. Supervisors who receive complaints from employees or who observe workplace violence should inform Administration immediately. A complaint of workplace violence that is reported to a member of management will be investigated thoroughly, promptly and in as confidential a manner as the circumstances permit.

The complaining employee will be informed of the outcome of the investigation to the extent practicable. In addition, the District will not tolerate retaliation against any employee for cooperating in an investigation of workplace violence or for making a complaint.

Specific examples of conduct which may be considered a threat or an act of violence under this policy include, but are not limited to:



- Intimidating or threatening physical or aggressive conduct directed toward another individual;
- Threatening an individual or his or her family, friends, employees or property with physical harm;
- The intentional destruction or threat of destruction of District property or another's property;
- Harassing or threatening phone calls;
- Surveillance;
- Stalking; and
- Veiled threats of physical harm or like intimidation.

Violations of this policy may lead to disciplinary action, up to and including termination.

ELIGIBILITY TO WORK

The District is committed to employing only those who are authorized to work in the United States. By federal law, the District is required to verify the citizenship and legal immigration status of all its employees. At the time of hiring, all employees must complete the United States Citizenship and Immigration Services' Form I-9, and present identification to the District that satisfies the requirements of Form I-9 within 3 days from date of hire. The District may from time to time request subsequent verification to ensure current status.

All offers of employment are contingent upon furnishing satisfactory evidence of identity and legal authority to work in the United States.

FALSIFICATION OF EMPLOYMENT INFORMATION

Applicants for employment with the District are expected to provide complete and accurate information regarding their employment history, essential background, credentials or qualifications for employment. Employees who provide false or incomplete information will be subject to discipline, up to and including termination, regardless of the time elapsed before the discovery. The District has the right to investigate an employee's background, employment history, credentials and/or qualifications at any time during the employment relationship.

CLASSIFICATIONS OF EMPLOYMENT

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and paid overtime at time and one-half the regular rate of pay for all hours worked over 30 hours in a workweek.

The following categories/classifications/definitions will help employees understand their employment status and benefit eligibility. An employee's classification may be changed by the District at any time, without prior notice or reason. For purpose of salary administration and eligibility for overtime payments and employee benefits, the District classifies its employees as follows:

Full-Time Regular Employees are non-temporary employees who have successfully completed the introductory period and are regularly scheduled to work at least 30 hours a week. Such employees may be "exempt" or



“nonexempt.” Even after successful completion of the introductory period, the employment relationship may be terminated by the employee or the employer at any time, at-will, either with or without cause.

Part-Time Regular Employees are non-temporary employees who have successfully completed the introductory period and are regularly scheduled to work less than 30 hours a week.

Exempt Employees include all regular employees who are classified by the District as exempt from the overtime provisions of the Federal Fair Labor Standards Act and Texas state law. Exempt employees are not entitled to receive overtime compensation.

Non-Exempt Employees include all employees who are classified by the District as non-exempt subject to overtime and other similar provisions of the Federal Fair Labor Standards Act and the Texas state law.

The above employment classifications are determined and assigned by the District at the time an employee is hired and will not change because of a fluctuation in the scheduled hours of work.

Changes in employment classification may only be made in writing, authorized by the Board of Commissioners. No statement in this Handbook is intended to conflict with provisions of the Fair Labor Standards Act governing exempt employees and the employer's treatment of exempt employees. Employees that have been improperly classified as exempt employees and have not been properly compensated according to the FLSA will be fully reimbursed.



COMPENSATION POLICIES

REGULAR PAY PROCEDURES

Pay periods are bi-weekly. Pay periods run every other Friday. Discussion of your pay rate or any other employee's pay rate with anyone is prohibited by the District. If the pay day falls on a holiday, the pay will be issued on the last business day before the holiday.

Please review your pay stub for errors. If you find a mistake, report it to your supervisor immediately. Your supervisor will assist you in taking the steps necessary to correct the error. Pay stubs are available for viewing and printing via the District's intranet. Employees will have their payroll checks automatically deposited into their bank account upon commencement of employment with the District.

When you enroll in direct deposit, you will be enrolled in the electronic pay stub program. You can access, view, or print your paystubs via the District's intranet at any time, except during required site maintenance.

Any employee with questions or concerns regarding these policies should contact the District Administrator at (915) 851-0304. If you are terminated or leave the District and there are any funds due the District, they will be deducted from your final paycheck pursuant to your written authorization and in accordance with state and federal laws.

EMPLOYEE SCHEDULES

Employees are expected to work the normal scheduled workday. The District may change the employee's work schedule to accommodate for staffing needs due to expected or unexpected workloads. Therefore, variations in your starting and quitting times may be required with or without prior notice. All hourly part time non-exempt employees of the District are normally scheduled to work no more than 29 hours per week. Hourly full time non-exempt employees of the District are scheduled to work Monday thru Friday, 8:00 a.m. to 5:00 p.m. with an unpaid one-hour lunch break from 12pm to 1pm. Any variation in the hourly non-exempt employee's work schedule must have a written approval in advance by their immediate supervisor. Additionally, hourly non-exempt employees of the District will not be scheduled to attend monthly Board meetings unless requested by and approved in advance by their immediate supervisor.

TRACKING HOURS WORKED

In order for the District to be able to comply with federal and state laws, we must keep an accurate record of the time worked by all employees, with the exception of salaried exempt employees. This is done in order to accurately calculate employee pay and benefits.

Employees are responsible for accurately reporting their work time by timely recording, clocking in/out. The District needs to ensure that you are paid accurately. If corrections or modifications must be made to the time record, both the employee and his/her immediate Supervisor must verify the accuracy of the time sheet correction before submitting it to Administration.



The District prohibits employees from clocking in/out for other employees and/or allowing other employees to clock in/out for you. The falsification of your time record, failure to clock in/out or failure to comply with this policy may result in disciplinary action, up to and including termination.

OVERTIME

Non-Exempt Employees

Employees may be required to work overtime or hours other than those normally scheduled whenever necessary, including weekends and holidays. An employee must receive prior written authorization from his or her supervisor prior to working overtime hours. It is the employee's responsibility to cease working and clock out after working eight hours in one day, unless overtime authorization from Management has been obtained. If hourly non-exempt employees are issued District cell phones for business use, employees must turn off cell phones at the end of their shift. District issued cell phones should be used for business purposes only, as such, District issued phones must be operating at all times during shift work. Only emergencies will warrant working overtime without prior authorization. Failure to follow this overtime policy will be considered insubordination and grounds for disciplinary action up to and including termination.

When overtime work is assigned, failure to work assigned overtime may result in disciplinary action, up to and including termination of employment. Furthermore, if an employee works when not instructed or required to do so, the employee may be subject to discipline for working without authorization, up to and including termination. Even though the employee may be subject to discipline for working without authorization, the time so spent is compensable working time.

The District provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal laws.

- All hours worked in excess of 40 hours in one workweek will be treated as overtime;
- Only actual hours worked in a given work day or workweek can apply in calculating overtime;
- District's workweek begins on Sunday and ends the following Saturday;
- Approved paid absences, if provided for within this Manual, are not counted as time worked for the purposes of computing overtime.

Compensation for hours in excess of 40 hours for the workweek shall be paid at a rate of one and one-half (1.5) times the employee's regular rate of pay.

Exempt Employees

Exempt employees, as defined by federal and state laws, may have to work hours beyond their normal schedules, as work demands require. No overtime compensation will be paid to exempt employees. Rather, exempt employees are paid a pre-determined salary that is intended to fully compensate them for all hours worked. As a general rule, an exempt employee's gross salary is not subject to pay changes due to the actual number of hours worked in a pay period. However, when an exempt employee has exhausted all accrued vacation and sick time benefits and misses additional full days off work for personal reasons, deductions will be made consistent with all applicable state and federal laws.



Any employee who believes that an improper deduction or violation of the laws regulating salaries has occurred is encouraged to advise the District's Administrative Offices at (915) 851-0304 or file a grievance as soon as possible. The matter will be promptly investigated and, if a mistake occurred, corrected. Employees may file complaints without fear of any retaliation.

UPDATED PERSONNEL RECORDS

It is the responsibility of each employee to promptly notify the District of any changes in your personal data. The District maintains personnel records that are important to you. You are required to notify your immediate supervisor, as soon as possible, of any changes to your:

- Name
- Residence Address and/or Telephone Number(s)
- Marital Status
- Number and Names of Dependents
- Emergency Contacts
- Tax Withholding Status
- Immigration Status
- Beneficiary designation for District Insurance and Benefits
- Military Status

Failure to provide notice of any such change may result in disciplinary action up to, and including, termination.

WAGE GARNISHMENTS

The District must comply with all valid claims against the wages of employees. The District will be required to comply with the provisions of the court order or notice of garnishment to ensure our legal compliance with all applicable laws.

REIMBURSEMENT FOR EXPENSES

The District will not reimburse for any expenses under employee's personal debit or credit cards including cash. The District provides employees Per Diem rates for lodging, meals and incidentals, as well as, fuel cards and credit cards to be used for business purposes only.



BENEFITS

BENEFITS OVERVIEW

The District offers its eligible employees certain benefits at its discretion. This section of the Employee Manual is designed to acquaint eligible employees with some of the significant features of the benefit programs the District offers. It is important to remember that more detailed information is set forth in the benefits material available from Administration. Accordingly, if there is any conflict between the brief summaries contained in this Employee Manual and the terms, conditions or limitations of the official benefits documents, the provisions of the official plan documents will control. Benefit programs are subject to change at any time if the District determines, in its sole discretion, that such action is warranted.

HEALTH INSURANCE

The District provides medical insurance coverage for all full-time employees, beginning on the first day of the month following completion of 60 days of continuous employment. The employee has the option of selecting to participate in the plan, which is pre-selected by the District. The District will subsidize 100% of the **Employee Only** premium. The cost of participation and arrangement for deduction from your bi-weekly payroll check should be discussed with our District Administrator. Family coverage is also available for eligible dependents at the employee's expense through payroll deductions.

In order to qualify for medical/health benefits, employees will be fully responsible for completing the insurance application and returning to the Administration, or to your Supervisor on or before your 60th day of employment. Employees not interested in medical benefits coverage, or who have benefits coverage through another source, will be required to sign a declination of benefits form. This form verifies that medical benefits were offered to you, however, you declined them. The District recognizes a dependent child as biological or adopted, however, the District will also grant eligibility to a foster child; a step child; or a legal ward, as long as they reside in the same household as the employee. The District recognizes a spouse as the legally married husband or wife of an employee; an unmarried domestic partner is not considered a spouse.

Information on eligibility and the scope of medical insurance coverage are covered fully in the Group Insurance Plan material, which may be obtained from Administration. For the additional details regarding the coverage of spouses, dependents, or registered domestic partners, please contact Administration at (915) 851-0304.

The District reserves the right to amend, terminate or otherwise modify its employee benefit plans at any time.

HIPAA

Protecting the confidentiality of personal medical information has always been an important priority for the Company. The Company has adopted the following policies to ensure that it complies with federal law (specifically, the Health Insurance Portability and Accountability Act, known as "HIPAA").

HOW THE GROUP PLAN MAY USE AN EMPLOYEE'S INFORMATION



In order to manage your health plan effectively, the Company is permitted by law to make certain types of uses and disclosures of your personal medical information (called “Protected Health Information”), without your authorization, such as for the following:

- For treatment: So that you receive the correct treatment and care, your Protected Health Information may be used as providers coordinate or manage your health care services. For example, your physician consults with a specialist regarding your condition.
- For payment: To make sure that claims are paid correctly and you receive the benefits you are entitled to, we may use and disclose your Personal Health Information to determine plan eligibility and responsibility for coverage and benefits. For example, a discussion with another health plan to confirm coordination of benefits may occur.
- For health care operations: In order for our plans to run efficiently, we may use your Personal Health Information in a number of ways, including plan administration, quality assessment and improvement, as well as vendor review. For example, we may use the information you provide in order to evaluate our vendors.

The Company may also disclose your Protected Health Information to those individuals who internally are permitted to use this information for plan operations and administration; i.e. enrollment/disenrollment from a plan, etc. The Company, however, agrees not to use or disclose your Protected Health Information for employment-related actions, such as hiring or termination, or for any other purposes not authorized by the HIPAA privacy regulations.

OTHER PERMITTED USES AND DISCLOSURES

Federal regulations allow the Company to use and disclose, without prior consent, Protected Health Information for the following additional purposes:

- Public health activities;
- To an appropriate government authority regarding victims of abuse, neglect, or domestic violence;
- Judicial and administrative proceedings;
- Law enforcement activities;
- To a coroner or medical examiner;
- To cadaveric organ, eye or tissue donation programs;
- Research purposes, as long as certain privacy-related standards are satisfied;
- To avert a serious threat to health or safety;
- Specialized government functions; i.e., national security and intelligence, federal protective services, correctional institutions and other law enforcement custodial situations, military, and veterans’ activities;
- Worker’s compensation or similar programs that provide benefits for work-related injuries or illness;
- Other purposes required by law, provided that the use or disclosure is limited to the relevant requirements of such law.

There are also circumstances whereby we may disclose your Protected Health Information to a family member, relative, close personal friend, or any other person whom you identify, when that information is directly relevant to the person’s involvement with your care or payment related to your care. We may also use your



Personal Health Information to notify a family member, your personal representative, another person responsible for your care, or certain disaster relief agencies of your location, general condition, or death.

If you are incapacitated, there is an emergency, or you otherwise do not have the opportunity to agree to or object to this use or disclosure, we will do what in our judgment is in your best interest regarding such disclosure and will disclose only information that is directly relevant to the person's involvement with your health care.

Other uses and disclosures will be made only after you authorize them in writing. You may revoke your authorization in writing at any time.

YOUR RIGHTS REGARDING PROTECTED HEALTH INFORMATION

You may ask us to restrict how we use and disclose your Protected Health Information as we carry out treatment, payment, or health care operations. You may also ask us to restrict disclosures to your family members, relatives, friends, or other persons you identify who are involved in your care or payment for your care. However, we are not required to agree to these requests.

You also have the right to request:

- Inspection and copying of your Personal Health Information;
- Amendment or correction of inaccurate information;
- An accounting of certain disclosures made by us (however, you are not entitled to an accounting of all disclosures);
- A paper copy of this notice.

You have the right to request that you receive your Protected Health Information by alternative means or at an alternative location if you reasonably believe that other disclosure could pose a danger to you.

The Company reserves the right to change the terms of this notice and to make the new notice provisions effective for all Protected Health Information the Company maintains. If the Company changes this notice, you will receive a new notice.

COBRA

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events. Qualified individuals may be required to pay the entire premium for coverage up to 102 percent of the cost to the plan.

COBRA generally requires that group health plans sponsored by employers with 20 or more employees in the prior year offer employees and their families the opportunity for a temporary extension of health coverage (called continuation coverage) in certain instances where coverage under the plan would otherwise end.



COBRA outlines how employees and family members may elect continuation coverage. It also requires employers and plans to provide notice.

Employees who are covered under the group medical plans have certain individual group health continuation (COBRA) and conversion rights under federal and state laws. Questions regarding continuation coverage should be addressed upon termination of employment, change in dependent status, change or reduction in hours, or various other occurrences. Any employee with questions should contact the District Administrator at (915) 851-0304.

PAID TIME OFF (PTO)

The District recognizes that the inability to work because of illness or injury may cause economic hardship, and that employees may require time off to secure necessary treatment. The District also believes that it is beneficial to both employees and the District that paid time off is taken annually. Time off should be taken during periods that suit job responsibilities.

Therefore, upon hire the District will provide six (6) paid time off (PTO) days to all employees. Eligible employees will receive pay at their current rate of pay and current scheduled hours for any PTO days taken. Part time and temporary employees are not eligible for the PTO benefit. This paid leave benefit is renewable annually on each anniversary date and may not be carried over from one year to the next. The District will grant eleven (11) PTO days for eligible employees after their first anniversary date of the original hire, rehire date or promotion date. The District will grant sixteen (16) PTO days for eligible employees after their second anniversary date of the original hire, rehire or promotion date. The District will grant twenty (21) PTO days for eligible employees after their five (5) year anniversary date of the original hire, rehire or promotion date.

PTO may be taken in half day or full day increments. PTO requests of two (2) days or less must be made in writing at least one week in advance of the scheduled start of the paid time off. If the days are available, you may be granted the time off. However, a request does not guarantee the time off. PTO requests of more than two (2) days must be made in writing 30 days in advance in order to accommodate the request. Employees are expected to complete an Absence Request form and submit it to an employee's immediate supervisor. All PTO requests are subject to approval or disapproval by an immediate supervisor based upon the specific needs of the District. Any accrued but unused vacation existing at the end of each anniversary year will not be paid to an employee.

Holidays observed by the District that fall during an employee's vacation are not counted as part of an employee's PTO allowance and will be paid as holiday pay. Employees who are scheduled to work on an observed holiday and falls during the employee's approved vacation, will be paid the holiday pay in addition to PTO for the scheduled holiday.

In the event you separate from the District, voluntary or involuntary, all accrued but unpaid PTO benefits will be forfeited, and you will not be entitled to receive pay for unused vacation days. Employees will not be allowed to request vacation days at any time during the 30 days after a suspension without pay for disciplinary reasons.

If you are unable to work because of illness, you must **personally** notify your supervisor or Administrative Office (915) 851-0304 two hours prior to your scheduled start time, unless extenuating circumstances make it



impractical for you to provide such notice. In that case, you must **personally** provide notice as soon as is practicable. Failure to comply with these notification provisions may result in that absence being considered “unexcused.” Unexcused absences may result in voluntary termination through job abandonment. Employees on an approved leave of absence should follow notification procedures consistent with that leave.

RECOGNIZED HOLIDAYS

The District will recognize holidays as approved on an annual basis by the Board of Commissioners in conjunction with the County of El Paso’s holiday schedule. The approved holiday schedule will be provided to employees.

Holiday pay is based on employee’s weekly rate and will be paid as their average daily hours regardless of the day of the week it falls in, but it will not be counted as or toward overtime pay. Paid holidays do not count towards overtime for non-exempt employees unless the employee actually works on the holiday.

If a full time non-exempt employee is regularly scheduled to work the day before and/or the day after a holiday, and fails to work his/her full shift, the employee will not receive holiday pay, unless the supervisor approves the day off before and/or after the holiday. Full time exempt/salaried employees do not receive additional holiday pay. Part-time employees are eligible for holiday pay.

Employees who have been suspended for disciplinary reasons, or otherwise suspended without pay, and employees who are on leave of absence are not entitled to holiday pay. Employees who are absent without approval the scheduled day before or the day after the observed holiday, will not be entitled to holiday pay. Employees who have been suspended for disciplinary reasons, or otherwise suspended without pay, and employees who are on leave of absence are not entitled to holiday pay.

Holidays observed by the District that fall during an employee's vacation are not counted as part of an employee's PTO allowance and will be paid as holiday pay. Employees who are scheduled to work on an observed holiday and falls during the employee’s approved vacation, will be paid the holiday pay in addition to PTO for the scheduled holiday.

WORKER’S COMPENSATION INSURANCE

The District has Worker's Compensation insurance coverage to protect employees in the event of work-related injury or illness. Worker's Compensation pays for your medical expenses. In the event that an employee is unable to work due to a work-related injury, worker's compensation pays the employee's disability income in amounts set by state law. State law and guidelines determine if an employee qualifies for worker's compensation benefits, including amounts of pay. In the event that an employee is injured while working or develops an illness associated with work, an employee or a person acting on the employee's behalf must notify his/her immediate supervisor of the injury or illness immediately, or as soon as you are physically able to do so. Your failure to promptly report your injury or illness may jeopardize your right to worker's compensation benefits or delay the worker's compensation benefits.

EMPLOYEE ASSISTANCE: Information about Worker's Compensation Rights and Benefits are posted in every office. If you would like additional information, please contact Administration.



ATTENDANCE AND LEAVES OF ABSENCE

ABSENTEEISM AND TARDINESS

The District expects all employees to assume diligent responsibility for their attendance and promptness. Recognizing, however, that illness and injuries may occur, the District has established sick leave plans to compensate full-time regular and part-time regular employees for certain time lost for legitimate medical reasons, including time off to secure necessary treatment for a disability. Please consult the appropriate sections of this Manual for information regarding these benefits. Be aware that unexcused tardiness, absenteeism, or leaving early may lead to disciplinary action, up to and including termination.

If you are unable to work because of illness, you must **personally** notify your supervisor or Administration within two hours of your scheduled start time, unless extenuating circumstances make it impractical for you to provide such notice. In that case, you must provide notice as soon as is practicable. If your supervisor is unavailable, please contact the Administrative Office on each day of your absence. Failure to comply with these notification provisions may result in that absence being considered “unexcused.” Unexcused absences may result in voluntary termination through job abandonment. An employee who is absent from work and does not call or show up for two consecutive days may be considered as having voluntarily terminated their employment through job abandonment. Employees on an approved leave of absence should follow notification procedures consistent with that leave.

If you are running late and unable to report to your scheduled shift on time, you must **personally** notify your supervisor or Administration as soon as you become aware of your tardiness, prior to the commencement of your shift, and reason for the tardiness. Your failure to report to work after notification of tardy may result in voluntary termination through job abandonment. Notification of tardiness prior to start of shift will not automatically excuse the late arrival. Excessive tardiness may lead to disciplinary action, up to and including termination of employment.

1. Leaving Work

Employees who leave work prior to the scheduled end of their shift **must personally** notify and receive permission from their immediate supervisor. Failure to do so shall be treated the same as a **no call/no show** and will be subject to disciplinary action up to and including termination.

BEREAVEMENT LEAVE

In the unfortunate event of a death in the **immediate** family, a paid leave of 3 days will be granted to allow the employee to make any necessary arrangements associated with the death, and to attend the services.

For this purpose, immediate family is defined as follows:

- Spouse
- Child
- Stepchild
- Brother/Sister
- Parents
- Mother/Father/Brother/Sister-in-law



- Grandparents

If an employee needs more time to make funeral arrangements, traveling time to and from the funeral because of the distance, or other factors, the employee must either (i) use any of his unused vacation days, or (ii) be placed on an unpaid leave of absence for no more than five days for the time remaining.

The District may require employee to fill out and submit an Absence Request Form as verification of the loss for which time off is requested (e.g., copy of the death certificate, proof of relationship, and/or provide information of the attendance at the service).

EMPLOYMENT MEDICAL ABSENCES OR HOSPITALIZATION

Any employee who is hospitalized for any reason, or otherwise absent from work for three (3) or more consecutive days as a result of illness or accident, on or off the job, surgery, short-term or long-term illness, and/or rehabilitation, or the performance of any other medical services or treatments, employees will be required to provide a written release to return to work from an attending licensed physician prior to returning to work, whether regular or modified duty position. Written release forms (doctor's notes) outside of the United States will not be accepted by the District for the purpose of returning to work or to excuse an absence due to short-term illness.

FAMILY AND MEDICAL LEAVE (FMLA)

Employees may be entitled to a leave of absence under the Family and Medical Leave Act ("FMLA"). This policy provides employees with information concerning FMLA entitlements and obligations employees may have during such leaves. Whenever permitted by law, the Company will run FMLA leave concurrently with any other leave provided under state or local law. If employees have any questions concerning FMLA leave, they should contact the Human Resources.

I. Eligibility

FMLA leave is available to "FMLA eligible employees." To be an "FMLA eligible employee," you must 1) have been employed by the Company for a total of at least 12 months at any time prior to the commencement of an FMLA leave (which need not be consecutive); 2) have worked for the Company for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave to the extent permitted by applicable law; and 3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

II. Entitlement

As described below, FMLA provides eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration.

Basic FMLA leave entitlement

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined by a 12-month period measured forward from the start date of the employee's first FMLA leave.



Leave may be taken for any one or for a combination, of the following reasons:

1. disability due to pregnancy, childbirth or related medical condition;
2. bonding and/or caring for a newborn child;
3. for placement with the employee of a child for adoption or foster care and to care for the newly placed child;
4. to care for the employee's spouse, child or parent (but not in-law) with a **serious health condition**;
5. for the employee's own **serious health condition** that makes the employee unable to perform one or more of the essential functions of the employee's job; and/or
6. because of any **qualifying exigency** arising out of the fact that an employee's spouse, son, daughter or parent is a military member on covered active duty or called to covered active duty status.

Under the **FMLA**, a **serious health condition** is an illness, injury, impairment or physical or mental condition that involves a period of incapacity or treatment connected with inpatient care (e.g., an overnight stay) in a medical care facility, hospice or residential health care facility; or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

Under the FMLA, subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment or incapacity due to pregnancy or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

Additional Military Family Leave Entitlement (Injured Service Member Leave)

In addition to the basic FMLA leave entitlement described above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a **covered service member** is entitled to take up 26 weeks of leave during a 12-month period to care for the service member with a serious injury or illness. Leave to care for a service member shall only be available during a single-12 month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured service member.

A "**covered service member**" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." Covered service members also include a veteran who is discharged or released from military service under conditions other than dishonorable at any time during the five-year period preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as "covered veterans."



The FMLA definitions of a "serious injury or illness" for current Armed Forces members and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA leave to care for a covered family member.

Intermittent Leave and Reduced Leave Schedules

FMLA leave usually will be taken for a period of consecutive days, weeks or months. However, employees are also entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered service member. Intermittent or reduced work schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition, even if he or she does not receive treatment by a health care provider. Leave due to qualifying exigencies may also be taken on an intermittent or reduced schedule basis.

Employees are also eligible for intermittent leave for bonding with a child following birth or placement. Intermittent leave for bonding purposes generally must be taken in two-week increments, but the Company permits two occasions where the leave may be for less than two weeks.

No Work While on Leave

The taking of another job while on FMLA leave or any other authorized leave of absence may be grounds for immediate discharge, to the extent permitted by applicable law.

Protecting of Group Health Insurance Benefits

During FMLA leave, eligible employees are entitled to continue to receive group health plan coverage (if offered or covered by the company) on the same terms and conditions as if they had continued work.

Restoration of Employment and Benefits

At the end of FMLA leave, subject to some exceptions including situations where job restoration of "key employees" will cause the Company substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions they held before the FMLA leave. The Company will notify employees if they qualify as "key employees," if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA leave.

Notice of Eligibility for, and Designation of, FMLA Leave

Employees requesting FMLA leave are entitled to receive written notice from the Company telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) the Company's designation of leave as FMLA -qualifying or non-qualifying, and if not FMLA -qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

The Company may retroactively designate leave as FMLA leave with appropriate written notice to employees, and provided that doing so does not cause harm or injury to the employee. In other cases, the Company and employee can mutually agree that leave be retroactively designated as FMLA leave.

EMPLOYEE FMLA LEAVE OBLIGATIONS



Provide Notice of the Need for Leave

Employees who wish to take FMLA leave must timely notify the Company of their need for FMLA leave. The following describes the content and timing of such employee notices.

Content of Employee Notice

To trigger FMLA leave protections, employees must inform the General Manager or Human Resources of the need for FMLA -qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically or explaining the reasons for leave so as to allow the Company to determine that the leave is FMLA -qualifying. For example, employees might explain that:

- a medical condition renders them unable to perform the functions of their job;
- they are pregnant or have been hospitalized overnight;
- they or a covered family member are under the continuing care of a health care provider;
- the leave is due to a qualifying exigency caused by a military member being on covered active duty or called to covered active duty status to a foreign country; or
- the leave is for a family member whose condition renders the family member unable to perform daily activities or the family member is a covered servicemember with a serious injury or illness.

Calling in "sick," without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to the Company's lawful questions to determine if absences are potentially FMLA -qualifying.

If employees fail to explain the reasons for FMLA leave, the leave may be denied. When employees seek leave due to FMLA -qualifying reasons for which the Company has previously provided FMLA -protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

Timing of Employee Notice

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible or the approximate timing of the need for leave is not foreseeable, employees must provide the Company notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees that fail to give 30 days' notice for foreseeable leave without a reasonable excuse for the delay or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied, to the extent permitted by applicable law.

Cooperation in the Scheduling of Leave of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules

When planning medical treatment or requesting to take leave on an intermittent or reduced schedule work basis, employees must consult with the Company and make a reasonable effort to schedule treatment so as not to unduly disrupt the Company's operations. Employees must consult with the Company prior to the scheduling of treatment in order to work out a treatment schedule that best suits the needs of both the Company and the employees, subject to the approval of the applicable health care provider. When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including a period of recovery from a serious health condition or to care for a covered service member, the Company may temporarily transfer employees to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave. To



the extent permitted by applicable law, when employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise the Company of the reason why such leave is medically necessary. In such instances, the Company and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the Company's operations, subject to the approval of the employee's health care provider.

Submit Initial Medical Certifications Supporting Need for Leave (unrelated to Requests for Military Family Leave)

Depending on the nature of FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA -qualifying leave. As described below, there generally are three types of FMLA medical certifications: an **initial certification**, a **recertification** and a **return to work/fitness for duty certification**. It is the employee's responsibility to provide the Company with timely, complete and sufficient medical certifications. Whenever the Company requests employees to provide FMLA medical certifications, employees must provide the requested certifications within 15 calendar days after the Company's request, unless it is not practicable to do so despite an employee's diligent, good faith efforts. The Company shall inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. The Company will delay or deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications, to the extent permitted by applicable law.

The Company may contact the employee's health care provider to authenticate completed and sufficient medical certifications. Whenever the Company deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

Initial Medical Certifications

Employees requesting leave because of their own or a covered relation's, serious health condition or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year or when an initial medical certification has expired.

If the Company has reason to doubt the validity of initial medical certifications regarding an employee's own serious health condition, it may require employees to obtain a second opinion at the Company's expense. If the opinions of the initial and second health care providers differ, the Company may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the Company and the employee.

Medical Recertification's

Depending on the circumstances and duration of FMLA leave, the Company may require employees to provide recertification of medical conditions giving rise to the need for leave. The Company will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.

Return to Work/Fitness for Duty Medical Certifications

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leave that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the Company medical certification confirming they are able to return to work and the



employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. An employee taking intermittent leave may be required to provide a return to work release for such absences up to once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties. The company may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

Submit Certification Supporting Need for Military Family Leave

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the Company may require employees to provide: 1) a copy of the military member's active duty orders or other documentation issued by the military indicating the military member is on covered active duty or call to covered active duty status and the dates of the military member's covered active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active duty status of the same or a different military member.

When leave is taken to care for a covered service member with a serious injury or illness, the Company may require employees to obtain certifications completed by an authorized health care provider of the covered service member. In addition, and in accordance with the FMLA regulations, the Company may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered service member confirming entitlement to such leave.

Reporting Changes to Anticipated Return Date

If an employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the Company with reasonable notice (i.e., within 2 business days) of the employee's changed circumstances and new return to work date. If employees give the Company unequivocal notice of their intent not to return to work, they will be considered to have voluntarily resigned and the Company's obligation to maintain health benefits (subject to COBRA requirements) and to restore their positions will cease.

Worker's Compensation and FMLA Leave

A leave of absence in connection with a workers' compensation injury/illness benefits shall run concurrently with FMLA leave. Upon written request, the Company will allow employees to use accrued paid time off, if eligible, to supplement any paid workers' compensation benefits. The substitution of paid time off for unpaid family/medical leave time does not extend the length of FMLA leaves and the paid time off runs concurrently with the FMLA entitlement.

Pay Employee's Share of Health Insurance Premiums

As noted above, during FMLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work, only if the company offers a group health plan. If paid time off is substituted for unpaid family/medical leave, the Company will deduct employees' shares of the health plan premium as a regular payroll deduction. If FMLA leave is unpaid, employees must pay their portion of the premium through a pre-pay method. The Company's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the Company will send a letter notifying the employee that coverage will be dropped on a specified date at least



15 days after the notice unless the co-payment is received before that date. If employees do not return to work within 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control) they will be required to reimburse the Company for the cost of the premiums the Company paid for maintaining coverage during their unpaid FMLA leave.

Questions and/or Complaints about FMLA Leave

If employees have questions regarding this policy, please contact Human Resources. The Company is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact Human Resources immediately. The Company will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation.

LEAVE OF ABSENCE

Under very unusual extenuating personal circumstances, in the sole discretion of the District, full time employees who have worked for a minimum of three full months, and who do not qualify for other protected leave, and who have used all accrued sick pay, may be eligible to take an unpaid leave from work duties to attend to their personal situation.

A request for leave must be made in writing to your supervisor, together with the Board of Commissioners will determine if the leave will be authorized, based on the anticipated operational and staffing requirements of the District. Employees are expected to complete an Absence Request form and submit it to the Administrative Office.

A personal leave of absence may be granted for a maximum of ten (10) days. If an employee fails to return to work after the expiration of the personal leave of absence, such employee shall be deemed to have resigned employment. Any part of the leave not covered by the use of available vacation time will be unpaid.

No supervisor or other employee of this District may alter, change or extend any of the benefits granted under our Leave policies, for themselves or any employee without the express written permission of the Board of Commissioners.

JURY DUTY

The District will grant employees time off to serve on a jury upon the presentation of the Jury Summons to their supervisor or Administration and certification of completion of Jury Duty upon completion. Such time off will be paid. In particularly busy periods, management or Administration may request that the employee ask for a postponement from jury duty.



When first called for jury duty, employees shall request "on call" status from the Jury Commissioner and thereafter be available by telephone from their workplace to serve on jury duty when called. In addition, any employee released from jury duty during his or her regularly scheduled shift shall return to work as directed by his or her supervisor.

MILITARY LEAVE

If employees are called into active military service or enlist in the uniformed services, they will be eligible to receive an unpaid military leave of absence. To be eligible for military leave, employees must provide management with advance notice of service obligations unless they are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable to provide such notice. Provided the absence does not exceed applicable statutory limitations, employees will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws. Employees should ask management for further information about eligibility for Military Leave.

Enlistment/Induction Leave

If you enlist or are inducted into the military, you will be granted an unpaid leave of absence in accordance with federal and state law.

Military Reserve Training Leave

If you are a member of the armed forces military reserve and are required to participate in annual military training away from work, you may receive an unpaid leave to a maximum of 15 working days per year.

Requesting Leave and Reemployment Rights

Employees are expected to complete a Request for Leave of Absence form and submit it to Human Resources along with a copy of their military orders. Employees who cannot foresee the need for leave 30 days in advance must give as much notice as they can. This generally means notifying the Company within one or two workdays of the time the employee first learns of the need for leave, unless extenuating circumstances exist.

Military leave is unpaid unless eligible employees elect to use eligible PTO. Once an employee uses all of their PTO, his or her military leave will be unpaid.

Employees wishing to return to the Company after military leave are expected to report back to the Company in a timely manner and with their release orders. The Company will reinstate the employee as soon as practicable, but not later than **two** weeks from the date of application for re-employment absent unusual circumstances. The employee will be reinstated into a comparable position to which they would have held if they had remained continuously employed.

Reinstatement will not occur if the employer's circumstances have changed in a significant manner that re-employment would be impossible, unreasonable or would present an undue hardship. Re-employment rights DO NOT apply to positions that are for a brief, non-recurrent period and for which the employee has no reasonable expectation of continued employment indefinitely or for a significant period. Independent contractors are not covered.

Compliance with USERRA Requirements



Employees on military leave have rights under the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). For more information about USERRA please contact Human Resources.

TIME OFF FOR MILITARY SPOUSES

If an employee works, on average, at least 20 hours per week and his or her spouse is a qualified member of the United States Armed Forces, the National Guard or the Reserves, the employee is eligible to take leave for a period of up to 10 days while his or her spouse is home during a qualified leave period. When an employee is also eligible for military family member exigency leave, leave under this policy shall also count toward the employee's leave entitlement under the Family and Medical Leave Act (FMLA), where the time off meets the definition of FMLA military exigency leave.

Required Notice to Employer

Within two business days of receiving official notice that the employee's spouse will be on leave, he/she must provide notice to the Company of his/her intent to take military spouse leave.

Required Documentation

The employee must submit written documentation to the Company certifying that during his/her requested time off, the employee's spouse will be on leave from deployment during a period of military conflict.

Leave is Unpaid

Leave granted under this policy is unpaid. However, employees may substitute the following for any period of unpaid military spouse leave: unused vacation time.

DEFINITIONS

For the purpose of this policy, the following definitions apply:

"Qualified Member" means any of the following:

- (a) A member of the United States Armed Forces who is deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States; or
- (b) A member of the National Guard who is deployed during a period of military conflict; or
- (c) A member of the Reserves who is deployed during a period of military conflict.

"Period of Military Conflict" means any of the following:

- (a) A period of war declared by the U.S. Congress; or
- (b) A period of deployment for which members of the Reserves are ordered to active duty.

"Qualified Leave Period" means the period during which the qualified member is on leave from deployment during a period of military conflict.

Compliance With USERRA Requirements

Employees on military leave have rights under the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). For more information about USERRA please contact Administrative Offices at (915) 851-0304.



EMPLOYMENT POLICIES AND PRACTICES

HOURS OF OPERATION

Business hours and work schedules for employees vary throughout our District. Administration will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting or ending times, as well as variations in the total hours that may be scheduled each day and week. Employees may not change their work schedules without the prior permission of their immediate supervisor.

LUNCH PERIOD / BREAKS

The District provides unpaid meal periods for all hourly administrative and maintenance employees. Administration will schedule meal periods to accommodate operating requirements. Lunch period for all administrative staff and maintenance staff will be scheduled from 12pm-1pm. Employees will be relieved of all duties and responsibilities during meal periods and will not be compensated during this time. Employees are not allowed to work through their lunch hour to offset late arrival or early departure from work, unless approved in advance by your supervisor. Employees will not be allowed to eat at their workstation before, during, or after their scheduled lunch break. All employees are encouraged to eat their meals in designated break rooms. The District does not have scheduled breaks, or smoking breaks.

DISCIPLINE

Unsatisfactory performance may subject you to discipline. The nature of the discipline imposed will depend upon the seriousness of the problem and your record of prior performance, behavior problems, or safety violations. The District has the right to determine what disciplinary action is appropriate based on the facts of each case. Not all available forms of discipline are appropriate to every disciplinary situation, and it is not required that the District treat each form of discipline as a step in a series to be followed with an employee before discharge. The District's practice of employee discipline does not imply that "progressive" discipline is required or that employment may be terminated only for good cause. Employment remains at-will, and both the District and the employee have the right to terminate the employment relation at any time, for any reason, with or without prior notice or cause.

CONFLICT OF INTEREST

The District expects all employees to conduct business according to the highest ethical standards of conduct. The District expects all employees to devote their best efforts to the interests of the District. All business dealings that appear to create a conflict between the interests of the District and an employee are unacceptable.



The District recognizes and respects each employee's right of privacy, and to engage in personal activities outside the scope of his/her employment. However, all employees have an obligation to refrain from activities or other employment which conflict or interfere with the District's reputation and operations.

The following are guidelines that should be observed by all of our employees:

- It is our policy to forbid employees to engage in outside activities which compete with the District;
- Maintain and protect our customer relationships through consistently fair, ethical and honorable service;
- Under no circumstances will employees enter into arrangements, agreements or contracts with competitors which affect pricing;
- Employees are prohibited from accepting gifts, gratuities or favors, and from accepting loans, travel, or other benefits from customers, clients, vendors or others with whom the District does business;
- Employees are forbidden to engage in any conduct of business which would violate any local, state or federal law;

Other part-time employment during nonbusiness hours is permissible, as is attendance at school or other educational activities. If, however, such employment, school or activities interfere with, or conflict with an employee's current job at the District, then employee may be required to terminate such activities if such employee wishes to remain employed with the District.

If the District believes that an employee's additional job is interfering with or is in a conflict with their current job at the District, the employee may be asked to terminate the outside work if employee wishes to remain employed with the District.

EMPLOYEE COMPLAINT PROCEDURE

The District believes each employee should have an opportunity and a means to raise complaints or grievances the employee feels have not been resolved. Employees may be assured that they will not in any way prejudice their position by discussing with their supervisor, or any other management person, anything relevant to their employment.

Listed below are four successive levels at which you may voice your concerns. However, if you would like to discuss your grievance prior to formally beginning the grievance process, you may always contact the Administrative Office at (915) 851-0304. It is important for you to understand that nothing in this grievance procedure is intended to create an express or implied agreement that alters the employment at-will relationship that exists between the District and you, as set forth in the section of this Manual entitled "Employment At-Will."

The followings steps are provided to all employees for the settlement of a grievance:

- Step 1: Discuss your grievance or concern with your immediate supervisor. Should the results prove unsatisfactory, or if you feel you cannot discuss your concern with your immediate supervisor, take your grievance to the second step.
- Step 2: You may file a formal written grievance with Human Resources at (915) 241-3218. Human Resources will provide you with a verbal or written response within ten working days unless [he/she] determines additional time is required under the circumstances. If your problem is not resolved after discussion with HR, you may proceed directly to Step Three.



- Step 3: If you are not satisfied with the outcome of the Step Two procedure and wish to pursue the problem or complaint further, you may submit a written complaint directly to the Board President. It is recommended that such submission be made in writing, in order to avoid uncertainty or dispute as to the exact nature of the complaint. After a full examination of the facts (which may include a review of the written summary of your statement, discussions with all individuals concerned, and further investigation if necessary), the Board of Commissioners will advise you of its decision reasonably promptly.

Employees are encouraged to utilize these procedures without fear of retaliation. No employee will be discriminated or retaliated against because the employee has elected to use this procedure. Anyone, regardless of position or title, whom the District determines has engaged in conduct that violates this policy against retaliation will be subject to discipline, up to and including termination.

This policy does not apply to claims involving perceived violations of the District’s equal employment opportunity policies. Such claims should be reported immediately and in the manner set forth in the District’s “Equal Opportunity Employment” and/or “Policy Against Unlawful Harassment” policies, and will be addressed in accordance with the provisions of the applicable policy.

TERMINATION OF EMPLOYMENT

Termination is the severance of the employee-employer relationship through resignation, layoff, discharge, retirement, or death.

The District’s termination policy is one of “at-will” employment. This means you have the right to terminate your employment for any reason at any time and the District may terminate your employment for any reason at any time.

If a reduction in force becomes necessary, employees shall be selected for layoff based on the employee’s job performance levels and qualifications, the requirement of available positions, the District’s need for particular skills and experience, seniority, and any other special needs of the District.

VOLUNTARY TERMINATION

Terminations of employment are considered to be voluntary when the employee elects to leave the District. Employees indicate their desire to leave when they:

- Verbally state that they are resigning or submit a written resignation to their supervisor;
- Fail to return from a leave of absence;
- Job abandonment by missing one or more consecutive days of work without contacting their supervisor, no call – no show; or
- Elect to retire.

Although employees may resign at-will, at any time, with or without cause or advance notice, they are requested to provide a two-week written notice of their supervisor specifying the last day they will be at work whenever possible. Employees must understand, however, that circumstances may exist where the District



may exercise its right to accept a resignation immediately and to accelerate the final date of employment. The District, therefore, reserves the right to accept a resignation and recognize the termination date as any date it chooses between the date the notice of resignation is submitted and the date designated by the employee as the last day of employment. Employees who fail to provide the District with a two-week written notice will not be eligible for rehire.

RETURN OF DISTRICT POLICY

The District employees are responsible for District property that is assigned or issued to them while employed with the District. This property can include, but is not limited to: Employee Handbook, Badges, Cell Phones, Beepers/Pagers, District Uniforms, Equipment, Electronic Equipment, Building Keys, Vehicles, Security Codes, District Credit Cards, etc.

All employees that end their employment with the District, voluntarily or involuntarily, must return all District property and any District Uniform requested by the District immediately upon request or separation. The District may elect to take legal action deemed appropriate to recover or protect District property. In accordance with applicable laws, employer may withhold the cost of any items that are not returned upon request or termination from employee's final paycheck.

RE-HIRING POLICY

The District will consider an application for re-employment of a former District employee under the following conditions:

- The former employee must submit a new application;
- The former employee must meet the requirements of the open position;
- The former employee was in good standing at the time of the prior termination. Good standing includes, but is not limited to, the former employee gave the required two weeks' notice prior to resignation;
- The former employee was recommended for rehire by their former supervisor at the time of their previous termination.

The District will not consider for rehire any employee who was discharged for cause or misconduct.

The Commissioners must approve all other rehires. Former employees, who apply for rehire, will be considered for new employment in accordance with the same provisions and requirements set forth for all other job applicants. Regardless of the length of time that has passed since the prior termination, former employees are rehired as new employees with no carry over or reinstatement of benefits, tenure, etc., and are subject to the new employee Orientation period; unless specific written agreement to the contrary is made, in writing, by the Board of Commissioners.

GUIDELINES FOR APPROPRIATE CONDUCT

As an integral member of the team, you are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times.



This not only involves sincere respect for the rights and feelings of others but also demands that both in your business and your personal life you refrain from any behavior that might be harmful to you, your co-workers, and/or potential customers or by the public at large.

Because your conduct reflects on the District, you are encouraged to observe the highest standards of professionalism at all times.

Types of behavior and conduct that the District considers inappropriate include, but are not limited to, the following.

- Mishandling of District funds, untimely deposits, falsifying customer receipts, mishandling customer information.
- Violating the District's nondiscrimination, non-retaliation and/or harassment policies.
- Soliciting or accepting gratuities from customers or clients.
- Unauthorized use of the District's supplies and/or resources particularly for personal purposes.
- Failing to maintain the confidentiality of the District, customer, or client information.
- Making false or malicious statements about any employee or person.
- Failing to accurately report all time worked on time records, working "off the clock," working overtime without authorization, and failing to clock out and in for all meal periods over 20 minutes.
- Below average work or quantity.
- Inappropriate relations, interactions, including rudeness or lack of cooperation.
- Excessive absenteeism, tardiness or abuse of break or lunch privileges, no call- no show.
- Failure to follow instructions or District procedures.
- Failure to follow established safety rules.
- Failure to report to work without notifying the District.
- Insubordination.
- Dishonesty.
- Misuse or destruction of District property or the property of another employee.
- Theft, misappropriation of District funds
- Violation of conflict of interest rules.
- Unauthorized use or disclosure of confidential or proprietary information.
- Obtaining employment based on false or misleading information (or omitting information), either verbal or on the written employment application.
- Falsifying information or work materials, or material omissions in documents or records.
- Providing fraudulent doctor's notes.
- Falsifying or altering District records.
- Mishandling of District records.
- Falsifying time records or time sheets.
- Interference with work performance of others.
- Fighting.
- Harassing, threatening, or coercing other employees.
- Sleeping on the job.
- Leaving work without authorization.
- Unauthorized possession of a firearm or other dangerous weapon on District property or while conducting District business.



- Conviction of a crime that indicates unfitness for job duties or raises a threat of safety for the well-being of the District, its employees, clients, or property.
- Use of profanity.
- Unauthorized possession or consumption of intoxicating liquor or illegal drugs on District property or while conducting District business.
- Being under the influence of intoxicating liquor or illegal drugs while on District property or on District business.
- Inappropriate use of the District's e-mail system and the Internet.

Because it is impossible to provide an all-inclusive list that identifies every type of conduct or performance problem that may result in disciplinary action, the above list is not meant to be all-inclusive or exhaustive. Furthermore, the above list does not require any specific disciplinary action and does not alter the fact that employees are employed on an at-will basis and may be terminated at any time with or without cause.

PERSONAL APPEARANCE AND PERSONAL HYGIENE

Employees are required to keep their work environment clean and orderly. Before departing at the end of their workday, employees should lock all files and cabinets and clear all work materials from desk surfaces, especially materials of a sensitive or confidential nature.

Discretion in style of dress and behavior is also essential to the efficient operation of the District. Employees are, therefore, required to dress in appropriate business attire and to behave in a professional, businesslike manner. Please use good judgment in your choice of work clothes and remember to conduct yourself at all times in a way that best represents you and the District.

Dress Code

Males and Females: The District permits denim slacks (jeans) on Fridays only; however, they must be worn with a suitable dress shirt or polo-type shirt (imprinted with District logo) and must be belted. No tee-shirts, midriffs, see-through fabrics, tube tops, spaghetti straps, tennis shoes, polo type shirts imprinted with District logos or names (other than that of the District) or casual sandals. The District from time to time may provide District shirts.

If employees fail to wear appropriate attire, they will be sent home for the day without pay and a note placed in their permanent employee file.

Personal Grooming

Males: Excessively long hair is unacceptable. Employees should be clean-shaven and neatly groomed each day. Facial hair must be closely cropped and well-trimmed. Earrings are unacceptable.

Females: Employees should be well groomed with hair neatly combed. Please refrain from wearing excessive jewelry. Females are considered to be exhibiting professional attire when wearing dresses or skirts at a reasonable length (not shorter than two inches (2") above the knees) or non-denim slacks with appropriate dress shoes. Shorts and casual skorts are not considered to be professional attire.



Clothing must be clean, pressed, in good condition and fit appropriately. Clothing must not interfere with the safe operation of equipment.

Personal Hygiene

Employees are expected to meet hygiene requirements during regular business hours for the duration of their employment. Employees must maintain personal cleanliness by bathing daily. Oral hygiene (brushing of teeth) is required. Use deodorant / anti-perspirant to minimize body odors. Clean and trimmed fingernails (1/4 inch long or less). Employees should wash their hands after using the restrooms and after eating. No heavily scented perfumes, colognes and lotions. These can cause allergic reactions, migraines and respiratory difficulty for some employees.

Employees failing to adhere to proper District standards with respect to appearance and demeanor are subject to disciplinary action, up to and including termination.

POLICY AGAINST DRUGS, ALCOHOL AND CONTROLLED SUBSTANCE

The company has a strict Drug Free Workplace Policy. Employees may not use, transfer, possess, or distribute alcohol during working hours on or off the company's premises, or while conducting business on behalf of the company. At no time may an employee use, transfer, possess, or distribute non-prescribed drugs, or prescription medication in non-prescribed amounts (1) on company's premises or (2) off company premises while conducting business on behalf of the company. Therefore, the following actions are prohibited:

1. Reporting for work under the influence of alcohol, intoxicants, illegal drugs, or controlled substances,
2. The illegal use, possession, manufacture, transfer, purchase, sale or attempted purchase or sale of intoxicants, illegal drugs, or controlled substances in any manner during work hours, or while on the job, on company property. This includes parking lots or company owned or leased vehicles,
3. In any way using the company's property or an employee's position within the company to make or traffic in intoxicants or illegal drugs,
4. Additionally, if employees are taking a drug or medication, whether or not prescribed by a health care provider, which may adversely affect ability to perform duties in a safe or productive manner, employees must report such use of medication to their manager. This includes drugs that are known or advertised as possibly affecting judgment, or causing drowsiness or dizziness.

Employees also have the responsibility to report any drug, alcohol, or controlled substance situation that affects the workplace.

Employee Drug and Alcohol Testing

If there is reasonable suspicion that an employee is in violation of the company's Drug Free Workplace policy, the company has the right to require testing at its own expense. Reasonable suspicion for requiring an employee to submit to a drug or alcohol test shall be deemed to exist when an employee manifests physical or psychological symptoms or reactions commonly attributed to the use of controlled substances or alcohol. As part of the company's drug and alcohol policy, the company's employees may be required to undergo drug and alcohol testing in certain circumstances:



1. Drug and alcohol testing will be required where there is *reasonable suspicion* that an employee is under the influence of an illegal drug or alcohol.
2. Drug and alcohol testing will be required where the employee has been involved in an *accident* which results in injury to the employee or others, or damage to the property of the company, employee or others.
3. Drug and alcohol testing will also be performed at *random* through a neutral unbiased selection of employees.

A “*reasonable suspicion*” will be based upon evidence of unusual behavior, including but not limited to, noticeable declines in the employee’s productivity or performance, accidents on the job, repeated lateness or absence from work, violent behavior, or sensory or motor skill malfunctions. If an employee fails or refuses to take a drug or alcohol test, the employee will be terminated.

Any employee in violation of this policy will be subject to discipline, up to and including termination. Other actions, such as notification of law enforcement agencies may be taken, depending upon the circumstances.

If there is a workplace injury or accident, including car or truck accidents, the company may request a drug or alcohol test. Employees who do not agree to submit to a test or test positive will be terminated.

SOLICITATION AND DISTRIBUTION

El Paso County ESD #2 does not allow solicitation on District property by individuals seeking to sell non-business related products or services. Approaching employees in the workplace regarding activities, organizations, or causes regardless of how worthwhile, can create distractions and pressure for fellow employees. This conduct will not be permitted without prior approval from your Supervisor. There is no solicitation of any kind by any employee(s) or non-employees on District property. This policy does not apply to commercial/business sales representatives calling on the District.

SECURITY OF EMPLOYEE’S PERSONAL PROPERTY

The District will take all precautions necessary to prevent theft of employee's personal belongings, however, the District cannot and will not be held responsible for the safekeeping of employee's personal property, which includes but is not limited to: theft of personal belongings while on District property or away from District property while on District business.

Employees are expected to exercise due care for the protection of their own personal property, as well as District property. **DO NOT** leave anything of value unguarded or unprotected, whether it is locked up or not. Personal and confidential District information should be safely stored away at the end of each business day. If an employee hears or sees any suspicious behavior, employees are asked to report it immediately to your Supervisor.

Employees are advised to keep valuable personal belongings at home. Although the District takes necessary precautions to prevent theft, employees should use their own judgment.



The District assumes no responsibility for loss or damage to the personal property of an employee.

SAFETY / ELECTRONIC SURVEILLANCE

Safety

Safety for you and our customers is a major concern of the District. If at any time you feel threatened do not hesitate to contact proper authorities. Report all mechanical problems with office equipment, or broken furniture and fixtures to your supervisor immediately.

All accidents, regardless of whether it is a customer or an employee and regardless of severity, should be reported immediately to your supervisor.

Supervisors should contact the administrative offices immediately to report all items in need of repair or replacement.

Electronic Surveillance

El Paso County ESD #2 uses electronic surveillance devices to monitor District premises for instances of break-ins, theft/robbery, and other unlawful and unauthorized acts. For the safety of customers and employees, each supervisor is responsible for making sure that all electronic surveillance equipment is in proper working condition. Tampering with these devices, sharing security codes with other authorized or unauthorized employees, or destruction of these devices will result in immediate termination.

PERSONAL AUTOMOBILE INSURANCE

All employees are required to maintain automobile liability coverage on all automobiles owned by them and/or used to drive to or from work, or during working hours with limits no less than that required by the State. Upon request of management, each employee must present evidence of such coverage with limits no less than that required by the State. Employees that will be required to drive for the District, whether in a District vehicle or personal vehicle, will be required to maintain a valid driver's license and clean driving record in order to be covered by the District's insurance. Failure to do so may result in immediate termination of employment.

DRIVER POLICY

Employees assigned to driving duties, driving vehicles owned by the District or driving rentals through the District ("Drivers") must at all times meet the following criteria:

- Drivers must have a current valid driver's license issued by the state in which the employee performs their driving duties with the exception of employees on a temporary transfer in another state other than the one originally hired for;
- Drivers must maintain a driving record that permits him or her to remain insurable under the District's liability insurance policy and/or does not cause an increase in the premium paid by District on his or her behalf;



- Driver must maintain current financial responsibility ("auto insurance") which meets the State requirement limits.

Any employee driving a District vehicle/rental or driving on District business must observe all safety, traffic and criminal laws of the state. No Driver may consume, possess or use alcohol or any illegal drug (as defined in the Employee Handbook) while driving a District vehicle (which shall include any vehicle owned by, leased or rented to, or for the benefit of, District), while on District business, or within eight (8) hours prior to the commencement of such employee's shift or work hours. No Driver may pick up or transport non-employees while in a District vehicle (which shall include any vehicle owned by, leased or rented to, or for the benefit of, District) or on District business. Employee should limit personal use of such vehicle. Any illegal, dangerous or other conduct while driving is prohibited.

Any Driver who receives a traffic citation from, or is arrested by a law enforcement officer, or who is involved in any kind of accident while driving a District vehicle, or personal vehicle while on personal time, must inform their immediate supervisor about the incident immediately or as soon as possible thereafter. Any such citation, accident or arrest may be grounds for discipline up to and including termination of employment. Any penalty, fine, imprisonment, fee or other adverse action imposed by a court in connection with any such incident must be reported immediately to an employee's immediate supervisor.

Any employee who violates any part of this policy, or who causes an increase in the cost incurred by the District to insure him or her, or who becomes uninsurable as a driver will be subject to reassignment and/or disciplinary action up to and including termination of employment.

VISITORS IN THE WORKPLACE

To provide for the safety and security of our employees and the facilities at El Paso County ESD #2, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, ensures security of District equipment and property, protection against theft, and avoids distractions and disturbances.

Authorized visitors will be greeted by the employee or be escorted to their destination. Employees are responsible for the conduct and safety of visitors while on District property.

Former employees are allowed on the District premises only when they have a legitimate business-related reason and authority from management for their presence.

SMOKING

The District has prohibited smoking throughout the workplace, including but not limited to, buildings, entryways, and District vehicles. Also, the District does not allow smoking breaks during working hours. Violation of the smoking policy may result in disciplinary action, up to and including termination.



CONCEALED WEAPONS POLICY

The District prohibits all employees from carrying, concealing, using or storing any weapons on company premises or in vehicles the company provides. Employees are also prohibited from carrying, concealing, using or storing any weapons at any time they are acting within the course and scope of their employment, regardless of whether the employees is on Company premises or using a Company-provided vehicle. Company “premises” include all building, storage areas, work areas and outdoor areas the Company uses for business purposes.

A “weapon” includes, without limitation- guns, pistols, knives, clubs, pepper spray and any other items which may be used to threaten or inflict bodily harm upon any person. This policy applies, without limitation, to all weapons and persons with or without a permit to carry or conceal. Employees who violate this policy are subject to disciplinary action up to and including termination of employment. ([Texas Labor Code §52.062\(a\)\(b\)](#))

The District may *not* restrict employees who are licensed to carry a handgun from having the weapon in a locked personal vehicle in the District’s parking lot. ([Texas Labor Code §52.061](#))

SOCIAL MEDIA POLICY

We understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media. This policy applies to all employees and volunteers of the District.

Guidelines

In the rapidly-expanding world of electronic communication, social media can mean many things. The term "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal, or diary, personal web site, social networking or affinity web site, web bulletin board, or a chat room, whether or not associated or affiliated with the District, as well as any other form of electronic communication.

The same principles and guidelines found in District policies and three basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects customers, guests, suppliers, people who work on behalf of the District or District legitimate business interests may result in disciplinary action up to and including termination.

Know and follow the rules

Carefully read these guidelines, the District Guidelines for Appropriate Conduct Policy, the District Confidentiality Policy, and the Equal Opportunity Employment and/or Policy against Unlawful Harassment Policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.



Be respectful

Always be fair and courteous to fellow employees, guests, customers, suppliers, or people who work or volunteer on behalf of the District. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open-Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that disparage guests, customers, employees, or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or company policy.

Be honest and accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the District, fellow employees, customers, guests, suppliers, people working on behalf of the District, or competitors.

Post only appropriate and respectful content

- Maintain the confidentiality of District trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how, and technology. Do not post internal reports, policies, procedures, or other internal business-related confidential communications.
- Respect financial disclosure laws. It is illegal to communicate or give a "tip" on inside information to others so that they may buy or sell stocks or securities. Such online conduct may also violate the Insider Trading Policy.
- Do not create a link from your blog, website, or other social networking site to the District website without identifying yourself as a District employee.
- Express only your personal opinions. Never represent yourself as a spokesperson for the District. If the District is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the District, fellow employees, customers, guests, suppliers, or people working on behalf of the District. If you do publish a blog or post online related to the work you do or subjects associated with the District, make it clear that you are not speaking on behalf of the District. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of El Paso County ESD#2."

Using social media at work

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager or consistent with the District's Equipment Policy. Do not use District e-mail addresses to register on social networks, blogs, or other online tools utilized for personal use.

Retaliation is prohibited

District prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.



Media contacts

Employees should not speak to the media on behalf of the District without contacting the District Administrator. NEVER SAY “NO COMMENT”, instead tell them that they can get all their question answered promptly by calling: (915) 851-0304. All media inquiries should be directed to that number which is our corporate office who will handle media relations.

All rules regarding confidential and proprietary business information apply in full to blogs, web pages and social networking platforms, such as Twitter, Facebook, LinkedIn or similar sites. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a blog, web page or social networking site.

Whether an employee is posting something on his or her own blog, web page, social networking, Twitter or similar site or on someone else's, if the employee mentions the company and also expresses either a political opinion or an opinion regarding the company's actions that could pose an actual or potential conflict of interest with the District, the poster must include a disclaimer. The poster should specifically state that the opinion expressed is his/her personal opinion and not the District's position. This is necessary to preserve the District's good will in the marketplace.

Any conduct that is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a blog, web page, social networking, Twitter or similar site. For example, posted material that is discriminatory, obscene, defamatory, libelous or violent is forbidden. District policies apply equally to employee social media usage.

The District encourages all employees to keep in mind the speed and manner in which information posted on a blog, web page, and/or social networking site is received and often misunderstood by readers. Employees must use their best judgment. Employees with any questions should review the guidelines above and/or consult with their manager. Failure to follow these guidelines may result in discipline, up to and including discharge.

MAIL

The District's mail system is reserved for business purposes only. Personal mail should be received at home, and not at District's address. Use of District's stationery/letterhead, envelopes, stamps, and/or postage meter for personal correspondence is strictly prohibited.



USE OF DISTRICT PROPERTY

USE OF THE DISTRICT'S EQUIPMENT

The District provides many supplies and all types of electronic equipment and technology such as computers, fax machines, copy machines, voicemail, e-mail, internet, etc., in order for employees to be able to perform their job. An employee is expected to exercise due care in the use of District property and to utilize such property only for authorized purposes. Employees are prohibited from using District equipment and technology for personal use. District equipment and technology should be used for business purposes only. Negligence in the care and use of District property may result in disciplinary action, up to and including termination.

The District accesses and monitors all messages and files on the computer system on a routine basis. Internet, voicemail and e-mail messages are public communication and are not private. Such communication may be disclosed to authorities or other third parties without prior consent of the sender or receiver.

Unauthorized removal of District property from the premises may result in suspension and/or termination, up to and including criminal prosecution.

District property issued to an employee must be returned to the District at the time the employee terminates employment or when it is requested by the department head or designated representative.

NO EXPECTATION OF PRIVACY

The District's computer and other information systems, and their stored contents, as well as all District files, documents and records are owned and paid for by the District and are to be used solely for District business and not for personal communications. **EMPLOYEE SHOULD HAVE NO EXPECTATION THAT ANY INFORMATION CONTAINED ON SUCH SYSTEMS IS CONFIDENTIAL OR PRIVATE REGARDLESS OF THE FACT THAT THEY MAY HAVE PASSWORDS OR OTHER MEANS TO IDENTIFY AND/OR PROTECT CONFIDENTIAL RECORDS. THE DISTRICT RESERVES THE RIGHT TO MONITOR AND ACCESS ANY AND ALL SUCH COMMUNICATIONS OR STORED CONTENTS.**

USE OF TELEPHONES AND CELL PHONES

The District recognizes there may occasionally be times when personal calls must be made or received during business hours. Such calls must be held to a minimum and must not interfere with employee's work.

Also, all long-distance calls and long-distance usage are monitored. Any unauthorized long-distance call will subject the employee to disciplinary action, up to and including termination, and the employee will be charged the full long-distance fee charged the District. Any authorized long-distance charges will be charged the employee, as deemed appropriate, by a member of corporate management.

Use of personal cell phones should only be used during lunch breaks and lunch periods. During business hours, the ringer on all personal cell phones will be turned off or set to vibration mode. Employees are prohibited



from making or receiving personal calls, making or receiving text messages, and/or playing games on their personal cell phone while on business hours or while driving a District or personal vehicle on behalf of the District, unless prior approval from the District Administrator has been granted.

The District may provide cell phones to designated employees of the District to be used in conducting District business. The District's Administrative Assistants will not be assigned District cell phones and should also refrain from using personal cell phones for business purposes to avoid exceeding the 35-hour work schedule and any unauthorized overtime.

Employees who fail to adhere to the telephone and cell phone policy, or any of the District's policies and procedures set forth in this Handbook, will be subjected to disciplinary action, up to and including, termination of employment.

E-MAIL POLICY

Every employee of the District is responsible for using the e-mail system properly and in accordance with this policy.

The E-mail system has been provided by the District for use in conducting District business only. All communications and information transmitted by, received from, and/or stored into the system are property of the District. Use of the E-mail system for personal purposes is strictly prohibited.

The District reserves and may exercise the right to monitor, access, retrieve, and delete any matter stored in, created, received, or sent over the District's E-mail system, for any or no reason, with or without prior notice, and without the permission of any employee.

Use of passwords or security codes does not in any way diminish the rights of the District to access materials on its E-mail system.

The District's policy against sexual or any other form of harassment applies to the E-mail system. Therefore, no E-mail messages should be created, sent, or received if they contain intimidating, hostile, sexual or offensive material concerning, race, sex, color, religion, age, national origin, disability or any other classification protected by state and federal laws.

Violation of the E-mail policy will result in disciplinary action, up to and including termination.

INTERNET USE

The Internet provides a source of information that can benefit every professional discipline represented in the District. It is the policy of the District that employees whose job performance can be enhanced through use of the Internet be provided access and become proficient in its capabilities. This policy document describes acceptable use of the Internet by District employees. Use of the Internet, however, must be tempered with common sense and good judgment. Employees who abuse the right to use the Internet will not be allowed to use the Internet and may be subject to disciplinary action, up to and including termination.



Accessing any sexually oriented or other offensive website or service is strictly prohibited and doing so shall subject employees to disciplinary action up to and including termination.

The District is not responsible for material viewed or downloaded by users from the Internet. Employees are cautioned because many of these pages may contain offensive, sexually explicit, and inappropriate material. Employees using the Internet to access personal e-mail may lead to receipt of unsolicited e-mails that contain offensive content. Employees access the Internet at their own risk.

Employees are restricted from performing acts that waste important computer resources. These acts include, but are not limited to, sending mass E-mails and/or chain letters, downloading from the Internet, playing games, listening to music via Internet, online chat groups and/or unnecessary network traffic. Downloading any type of file will not be allowed unless the file is business related.

Employees should not have an expectation of privacy in anything they create, store, send or receive on the computer system. Remember that the computer system belongs to the District, therefore, Internet should only be used for business purposes.

Just like the E-mail policy, the District reserves the right to monitor any and all of the aspects of its computer system, including, but not limited to, monitoring sites visited by employees while on the Internet, chat groups and news groups, downloading and/or uploading files by users to the Internet, and all E-mail activity.

The District also has the right to use software to identify inappropriate or sexually explicit Internet sites. Such sites will be blocked from access by District networks. Employees should immediately disconnect from inappropriate or sexually explicit sites in the event they encounter such problem.

Violation of the Internet policy will result in disciplinary action, up to and including termination.

WORKPLACE MONITORING – NOTICE TO EMPLOYEES

The District reserves the right to monitor incoming or outgoing calls at any time, with or without notification from Management. The purpose is to ensure employees are being respectful and responsible to customers, employees are following proper protocol, critique customer service skills, and to provide feedback for training purposes as needed.

Customers will also be notified of calls being monitored or recorded for quality purposes. In the event an employee receives a personal call during the monitoring process, the call will be suspended immediately. Management reserves the right to discipline the employee due to excessive personal phone calls.

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

LOST, STOLEN OR DAMAGE TO DISTRICT'S PROPERTY

El Paso County ESD #2 provides employees with certain equipment and property to be able to perform their job. An employee is expected to exercise due care in the use of District property. Negligence in the care and use of District property may result in disciplinary action, up to and including termination. In the event that District equipment and/or property is damaged or stolen because of the employee's negligence or willful disregard, the employee will pay the District an equal amount for replacement or repair of the equipment.



EMPLOYEE HANDBOOK ACKNOWLEDGMENT FORM



I have received my copy of the El Paso County ESD #2 (El Paso County Emergency Services District #2 “the District”). This Employee handbook is an important document intended to help you become acquainted with the District’s policies. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention. Because the District's operations may change, the contents of this handbook may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this employee handbook.

I have received my copy of the District’s handbook and understand my responsibility to read it and all attachments thereto, understand their contents, and adhere to all of the policies and procedures of the company, whether set forth in this Handbook, its attachments, or elsewhere. I understand that it is my responsibility to educate myself regarding updated, revised, and added or deleted policies or procedures as announced or posted by the company from time to time.

I acknowledge that this handbook is provided as an informational guide only and is not a contract or an offer of a contract between the District and me. Similarly, no District policy, procedure, guideline or practice is a contract or an offer of a contract between the District and me. I understand that my relationship with the District is at-will, which means that either I or the District can terminate my employment at any time with or without cause or notice. This at-will employment relationship with the District cannot be changed by any person, statement, acts, series of events, or pattern of conduct, but only by and expressed by an individual written employment agreement signed by the Board of El Paso County ESD#2 and by you which expressly changes this “at-will” relationship.

I also understand that the District reserves the right in its sole discretion with or without notice, cause or consideration, to modify, depart from or terminate any of the District policies (other than the at-will policy), procedures, guidelines, practices or employee benefit programs, whether or not described in this Handbook. I also understand that the District reserves the right to reassign me or modify the terms and conditions of my employment or job assignment in its sole discretion, with or without notice, cause or consideration, subject only to the District and my mutual right to terminate the employment relationship at-will.

Print Employee Name	Employee Signature	Date
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Last four of SS#	DA Print Name	DA Signature
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