



## ***PERSONNEL POLICY MANUAL***

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## **INTRODUCTORY STATEMENT**

This handbook, provided upon hire and available on the South East Texas Regional Planning Commission (SETRPC) Public Network Drive, is designed to acquaint you with the SETRPC and provide you with information about working conditions, employee benefits and some of the policies affecting employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs to benefit employees.

No employee handbook can anticipate every circumstance or question about policy. As the SETRPC continues to evolve, the need may arise and SETRPC reserves the right to revise, supplement or rescind any policies or portion of the handbook from time to time, as it deems appropriate, in its sole and absolute discretion. Employees will be notified of such changes to the handbook as they occur, via email or by written memorandum. The only exception to any change(s) is our employment-at-will policy permitting you or the SETRPC to end our relationship for any reason at any time without incurring legal liability.

## **NOTICE TO EMPLOYEES**

The South East Texas Regional Planning Commission operates under the legal doctrine of “employment-at-will” and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason not in conflict with state or federal laws. These personnel policies do not constitute or imply a contract, agreement, promise or guarantee of employment or of continued employment. SETRPC has the right to change these policies at any time, without prior notice to employees.



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## **100 ABOUT THE SOUTH EAST TEXAS REGIONAL PLANNING COMMISSION (SETRPC)**

### **101 General Information**

The South East Texas Regional Planning Commission (SETRPC) was formed in June 1970 as a voluntary association of local governments pursuant to Texas law, Local Government Code, Chapter 391, Regional Planning Commissions (V.A.C.S. Article 1011m). Defined as a political subdivision of the state, SETRPC can plan, assist local governments, and deliver public services but has no power to tax or to regulate.

SETRPC is a state designated area-wide planning agency for the four-county Southeast Texas state planning region for federal and state programs, which requires and/or encourages area-wide planning and programming.

### **102 SETRPC's Programs**

SETRPC has active programs for regional planning in the areas of: homeland security and criminal justice, aging and senior services, information and referral, anti-poverty services, volunteer services, transportation and environmental planning, disaster recovery and emergency communications. Technical assistance is provided by the staff to local governments on matters related to a number of other program areas. In addition, SETRPC may sponsor special projects in response to local government needs or requests.

### **103 Governance**

The final policy maker for the SETRPC is its Executive Committee, made up of representatives from each of its four counties, 24 cities and special governmental districts. No other person or entity has the authority to make final decisions for the SETRPC, unless expressly delegated by the Executive Committee.

### **104 Role of the Executive Director**

The Executive Director serves as the chief liaison between local, state, and federal agencies. He or she consults with government officials to facilitate cooperation in identifying issues and challenges, coordinates comprehensive planning efforts for developing and implementing solutions to regional problems and directs and supervises all management functions of the SETRPC. This includes fiscal responsibility, office operations including the amendment, creation and/or revision of needed policy, special programs, and employment of and discharging of staff. The Executive Director assigns responsibilities to staff, as appropriate, and develops and executes public education and awareness regarding regional planning.

## **200 GENERAL POLICIES**

### **201 Authority**

These policies are established by the Executive Committee of the SETRPC. Any deletions, amendments, revision, or additions to these policies can be made by the Executive Director. Any substantive changes should be brought to the SETRPC Executive Committee for review.

### **202 Severability**

The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or part of provisions, which shall remain in force and effect.

### **203 Nature of Employment / At-Will Employment**

Employment with SETRPC is voluntarily entered into, and the employee is free to resign at-will at any time, with or without cause. Similarly, SETRPC may terminate the employment relationship at-will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between SETRPC and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or cancelled at any time at SETRPC's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or cancelled without the express written approval of the Executive Director of SETRPC.

### **204 Employee Relations**

SETRPC believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors, Human Resources staff, and/or the Executive Director.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that SETRPC amply demonstrates its commitment to employees by responding effectively to employee concerns.

### **205 Equal Employment Opportunity**

SETRPC is an Equal Opportunity Employer that provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any

type without regard to race, color, religion, national origin, sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity) age (40 and older), disability, genetic information (including employer, requests for, or purchase, use, or disclosure of genetic tests, genetic service, or family medical history), or any other characteristic protected under applicable federal, state, or local laws.

This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

Employees and applicants shall not be subjected to harassment, intimidation or any type of retaliation because they have (1) filed a complaint; (2) assisted or participated in an investigation, compliance review, hearing or any other activity related to the administration of any federal, state or local law requiring equal employment opportunity; (3) opposed any act or practice made unlawful by any federal, state or local law requiring equal opportunity; or (4) exercised any other legal right protected by federal, state or local law requiring equal opportunity.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, Human Resources Division and/or the Executive Director. Employees may raise concerns and make reports without fear of reprisal.

Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

## **206 Merit and Skill Based Employment**

SETRPC provides equal employment opportunities without regard to race, color, religion, national origin, sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity) age (40 and older), disability, genetic information (including employer, requests for, or purchase, use, or disclosure of genetic tests, genetic service, or family medical history), or any other protected characteristic under applicable federal, state, or local law. This policy relates to all phases of employment, including, but not limited to, recruiting, employment placement, promotion, transfer, demotion, reduction of workforce and termination, rates of pay or other forms of compensation, selection for training, the use of all facilities, and participation in company-sponsored employee activities.

Decisions related to all phases of employment noted above will be based on merit and/or skill. These include but are not limited to the assessment of experience, qualifications, past performance, role specific knowledge, achievements, hard skills/technical skills, soft skills/situational judgment, cultural chemistry, personality skills, motivation, and/or potential.

## **207 Disability Accommodation**

SETRPC will not discriminate against an individual with a disability who is qualified in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, condition and privileges of employment. SETRPC will make reasonable accommodations

as required by the Americans with Disabilities Act (ADA), the ADA as Amended (ADAAA), the Pregnancy Discrimination Act (PDA), and state, federal and local law. SETRPC will reasonably accommodate an individual with a disability who is qualified to perform the essential function of the employment position that the individual holds or has applied for unless that accommodation will place an undue hardship on SETRPC finances or operations or poses a direct threat to the health and/or safety to the individual or others.

It is illegal, and against SETRPC policy, to discriminate against a person because of his or her relationship or association with an individual with a known disability.

The Executive Director, or his or her designee, is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

## **208 Immigration Law Compliance**

In order to comply with the Immigration Reform and Control Act of 1986 as amended, each new employee is required to complete and sign a USCIS Form I-9 within three business days of his or her first day of employment and provide proof of his or her identity and employment eligibility.

Former employees who are rehired must also complete this form if they have not completed an I-9 with the SETRPC within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact Human Resources staff. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

## **209 Ethics and Compliance**

The successful operation and reputation of SETRPC is built upon the principles of fair dealing and ethical conduct of our employees. Ethics is defined as moral principles that govern a person's or group's behavior. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of SETRPC is dependent upon the public's trust and we are dedicated to preserving that trust. Employees owe a duty to SETRPC, its officers, and members to act in a way that will merit the continued trust and confidence of the public. Employees shall, during both working and non-working hours, act in a manner which will inspire public trust in their integrity, impartiality, and devotion to the best interests of the organization, its clients, and citizens.

SETRPC will comply with all applicable laws and regulations and expects its directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. Fraudulent activity, which is the intentional perversion of truth to induce another to part with something of value or to surrender a legal right or deceive or misrepresent, will not be tolerated. In general, the use of

good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct.

Furthermore, SETRPC employees, contractors /subcontractors/consultants (agents) to the programmatic activities administered by SETRPC, are prohibited from budgeting or expending funds made available through the State of Texas or the government of the United States for the direct influence of, passage of, or defeat of any existing or pending legislation.

SETRPC requires that employees and members of the Executive Committee participate in yearly training in ethics and in the components of its Internal Compliance Program. Training opportunities will be provided in-person and all materials will be emailed to all who require such.

SETRPC's Human Resources Division shall be responsible for oversight of its internal ethics and compliance program and shall promote an organizational culture that encourages ethical conduct and a commitment to compliance with all applicable laws and regulations.

The positions of Executive Director and those in the Administration Finance Division have substantial discretionary authority and are involved in the handling of financial and/or highly confidential information. Notarized affidavits have, therefore, been received from the current SETRPC Executive Director and Administration Finance Division Staff certifying that no circumstances exist that disqualify them from holding their current position. As turnover occurs, new employees to these positions will sign the same notarized affidavit (as noted above) and undergo a criminal background check. All SETRPC applicants are required to disclose during the application process if they have ever been convicted of a felony or misdemeanor. All current employees have signed a Confidentiality and Conflict of Interest Statement and new employees are required to sign the same upon hire during the orientation process.

All agents of the SETRPC will be required to complete an Assurances page stating they are not under federal or state debarment and that they will comply with the SETRPC's Ethics and Compliance Program and Conflict of Interest policy.

All SETRPC employees, Executive Committee members and agents will have access to a Fraud Risk Survey located on the SETRPC's website ([www.setrpc.org](http://www.setrpc.org)) to anonymously report incidents of non-compliance or suspected wrongdoing. Annually, all will be reminded and afforded the opportunity to complete the Fraud Risk Survey. Forms should be filled out electronically, when possible, to preserve anonymity or confidentiality. Outside entities should mail forms to the attention of the SETRPC Human Resources Director. Internal staff should place the form in an envelope, seal, and turn into the Human Resource Director's mail slot. No identifying factors should be included unless that is desired by the sender. Matters may also be discussed with immediate supervisors, and if necessary, with the Executive Director for advice and consultation.

The SETRPC also has an internal controls system in place that is carried out semi-monthly at the individual department levels and at the Administrative fiscal level. For more information related to on-going internal fiscal auditing processes, a copy of the SETRPC's Financial, Accounting and Information Technologies Policies and Procedures Manual may be requested.

A report of non-compliance or fraudulent activity will prompt an internal investigation. If a valid issue is identified and exists, appropriate disciplinary action will be taken as noted in Section 1302 Disciplinary Action. If warranted, the funding agency and possibly outside law enforcement will be contacted. Any needed revisions or additions to policy will also be made to help mitigate future violations and/or non-compliance. Employees who report suspected fraud and non-compliance with law or unethical behavior can do so without fear of retaliation.

Nothing in these policies shall unduly restrict the abilities of SETRPC Ombudsman employees who may, from time to time, be required to conduct “advocacy” activities under the terms and conditions of particular federal or state grants and contracts when such activities are consistent with relevant underlying federal or state program regulations. Nothing in this section 2.04 prohibits an SETRPC Ombudsman employee from performing a function of the Ombudsman Program described in Title 26 88.302(a).

Compliance with this policy of business ethics and conduct is the responsibility of every SETRPC employee, Executive Committee member and agent.

### **210 Sectarian Activity**

No funds received by subrecipients shall be used, either directly or indirectly, to support any religious or anti-religious activity.

### **211 Policy Changes and Employee Suggestions**

Employees are encouraged to make constructive suggestions for improvements in these policies, or in work procedures, or conditions. Any employee who wishes to suggest a personnel policy change should submit his or her suggestion(s) to the Executive Director for consideration. Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes, and for requesting clarification, or assistance when needed.

### **212 Records Retention**

The SETRPC has adopted and follows the Texas State Library Schedule GR C (Records Common to All Governments) Policy, unless otherwise dictated, per contract, with specific funding agencies.

## **300 EMPLOYEE RESPONSIBILITIES**

### **301 General**

SETRPC is a public, taxpayer supported, government entity. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct at all times. Employees are expected to give a full day's work, to carryout efficiently the work items assigned as their responsibility and to do their part in maintaining good relationships with the public, supervisors and other member government employees and officials.

### **302 Professional Conduct**

Employees of SETRPC are hired to provide services to its citizens and to perform specific tasks in a professional manner. As representatives of SETRPC, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional image to the public.

### **303 Timeliness and Attendance**

Employees are to be punctual in reporting for work, keeping appointments and meeting schedules for completion of work.

An employee who expects to be late for or absent from work must report the expected tardiness or absence to his or her supervisor not later than 30 minutes before the time the employee is scheduled to begin work unless emergency conditions exist.

Employees are expected to call, text, or email his or her supervisor each day of absence. Where the nature of the absence necessitates an extended period of time off, longer reporting intervals may be approved by the supervisor. Frequent tardiness or unexcused absence is not permissible and is grounds for disciplinary action up to and including termination.

### **304 Personal Appearance**

Employees of the SETRPC are hired to provide services to its citizens and to perform specific tasks in a professional manner. As representatives of the SETRPC, employees are expected to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. At all times, employees must use good hygiene that includes dress, grooming and personal cleanliness.

Appropriate neat and clean clothing should be worn to work each day and at all times when representing SETRPC at meetings and conferences. Appropriate office dress is designated as business casual attire or smart casual attire. Attire considered inappropriate includes, but is not limited to faded, torn and/or dirty jeans, shorts, sweat suits, T-shirts, sheer, tight, or overly revealing clothing, spaghetti straps, tennis shoes or slides/flip flops suitable for the beach. Fridays and/or other days or other special days are designated as casual days. On these days the wearing of appropriate jeans, T-shirts and tennis shoes is permitted. Additional exceptions may be made by department directors for days in which special work activity requires such.

If an employee has questions about the appropriateness of a particular outfit, he or she should seek advice from a supervisor before wearing it to work.

Due to fragrance sensitivities, all employees should refrain from wearing personal fragrance products (perfumes, colognes, lotions, powders, etc.) that are overly perceptible to others. Having fragrance products (scented candles, potpourri, etc.) at work stations should be avoided, as well.

### **305 Conflicts of Interest**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which SETRPC wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

A conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative and has the potential to undermine the impartiality of a person because of the possibility of a clash between a person's personal interests being against his or her professional or public interests. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which SETRPC does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving SETRPC. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

Prohibited activities include, but are not necessarily limited to the following:

1. The solicitation or acceptance of, or agreement to accept, a financial benefit, other than from SETRPC, that might reasonably tend to influence his or her performance of duties for SETRPC or that he or she knows or should know is offered with intent to influence the employee's performance;
2. The acceptance of employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties;
3. The acceptance of outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for SETRPC;
4. The making of any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for SETRPC; or



5. The solicitation or acceptance of, or agreement to accept, a financial benefit from another person in exchange for having performed duties as an employee of SETRPC in favor of that person.

No “presumption of guilt” is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose, as soon as possible, the existence of any actual or potential conflict of interest to the SETRPC Executive Director so that safeguards can be established to protect all parties.

All new employees and new Executive Committee Officers are required to sign a Conflict of Interest Statement upon hire or joining the Executive Committee. All current employees and Executive Committee Officers are required to sign a Conflict of Interest Statement yearly.

In addition, if an employee or Executive Committee member or his or her family member has an employment or business relationship with, or has received certain gifts from, a current or prospective vendor, grantee or contractor this person must complete a Local Government Officer Conflicts Disclosure Statement ( found at [www.ethics.state.tx.us](http://www.ethics.state.tx.us)). This completed statement must be provided to the SETRPC Executive Director no later than 5:00 p.m. on the seventh business day after the date on which the employee or board member becomes aware of facts that require filing the statement.

An employee or board member who files a Local Government Officer Conflicts Disclosure Statement must abstain from discussing, explaining, lobbying for, rating, scoring, recommending or approving a specific procurement from a vendor or prospective vendor named in the statement.

### **306 Gifts and Honoraria**

Employees may not accept any gift (including a free service) in his or her official capacity if the gift is valued at more than \$50 from any vendor, contractor or organization that receives grants that are recommended or ranked by SETRPC or an SETRPC advisory committee. Gifts from other sources (example – gifts from giveaways at conventions, seminars, or trainings, etc.) are not to exceed \$150 and cannot be used to sway or influence the employee in their official capacity. If the value exceeds these limits, the gifts shall be delivered to the Executive Director to be donated or handled as he or she sees fit.

### **307 Outside Employment**

Upon approval by the Executive Director, employees may hold outside jobs as long as they meet the performance standards of their job with SETRPC. All employees will be evaluated by the same performance standards and will be subject to SETRPC’s scheduling demands, regardless of any existing outside work requirements. Employees may not engage in any outside employment, activity, or enterprise determined by the Executive Director (1) to be inconsistent or incompatible with employment with SETRPC; or (2) to affect the employee’s job performance

adversely. An employee must have the advance approval of the Executive Director to engage in any outside employment, including self-employment.

If SETRPC determines that an employee's outside work interferes with performance of the ability to meet the requirements of SETRPC as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with SETRPC.

Outside employment that constitutes a Conflict of Interest, in accordance with Section 305, is strictly prohibited. Employees may not receive any income or material gain from individuals outside SETRPC for materials produced or services rendered while performing their jobs with SETRPC.

SETRPC is not responsible in any way for any injury incurred by an SETRPC employee during employment outside of his or her SETRPC job. If an SETRPC employee is injured on the job in the course of employment outside the scope of his or her employment with SETRPC, the employee may not file a workers' compensation claim against SETRPC for benefits related to the injury, regardless of the fact that the Executive Director may have authorized the outside employment.

Employees must formally submit a Request for Outside Employment Approval upon acquisition of such employment to the Human Resources Division. Employees must also recertify yearly and disclose any changes that may occur throughout the year.

### **308 Non-Disclosure/Confidentiality**

The protection of confidential information is vital to the interests and the success of the SETRPC. Such confidential information includes, but is not limited to compensation data, financial information, pending projects and proposals and client information.

Employees who improperly use confidential information will be subject to disciplinary action, up to and including termination of employment and legal action, whether they do or do not actually benefit from the disclosed information.

All new employees and new Executive Committee Officers are required to sign a Confidentiality Statement upon hire. All current employees and Executive Committee Officers are required to sign a Confidentiality Statement yearly.

### **309 Political Activity**

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

An employee, **in his or her official capacity**, may not:

1. Use his or her authority or influence or permit the use of a program administered by SETRPC, to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.
2. Coerce, attempt to coerce, command, restrict or attempt to restrict the payment, loan or contribution of anything of value to a person or political organization for a political purpose.
3. Use SETRPC funds under the employee's control to finance or otherwise support (including the direct or indirect employment of a person to this end) the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States.
4. Use SETRPC or appropriated funds to influence or attempt to influence the passage or defeat of any legislative measure.

An employee's political activity which is not in violation of this section shall not be considered in determining his or her compensation, eligibility for promotion, demotion, work assignment, leave or travel request or in applying any other employment practice to the employee.

SETRPC AAA recognizes the role of the Ombudsman in system advocacy according to 45 CFR 1327.11 (e) (5) (i). The Managing Local Ombudsman is allowed to coordinate with the State Ombudsman on systems advocacy, responding to media or legislative inquiry through the Office of the State Long-term Care Ombudsman and in coordination with SETRPC. Representatives of the Office may review and comment on existing or proposed laws, regulations, government policies regarding the interest of residents. The role may include speaking publicly in keeping with Federal Regulation.

An employee may not be a candidate for election or appointment to a public office of any local government in the SETRPC region.

Violation of this policy is grounds for dismissal and/or disapproval of funding for the position occupied by the employee involved.

### **310 Lobbying**

SETRPC employees, contractors and subcontractors to the programmatic activities administered by SETRPC, are prohibited from budgeting or expending funds made available through the State of Texas or the government of the United States for the direct influence of, passage of, repeal of or defeat of any existing or pending legislation.

### **311 Communications**

From time to time an employee may be given work instruction from a person other than his or her immediate supervisor or the Executive Director. In such cases, it is the employee's

responsibility to notify his or her immediate supervisor about the instruction, its purpose and the relevant facts of the situation. Failure to do so in a timely manner may result in disciplinary action.

Matters that involve SETRPC policy, operation and organization are brought before the Executive Committee by the Executive Director or by a person designated to do so by the Executive Director.

Communication with the news media about SETRPC issues is primarily the responsibility of the Executive Director. Directors, upon prior approval of the Executive Director, may discuss program specific topics/items/information with the media. General employees should not discuss any SETRPC related information with the media.

Unless the Executive Director or his or her designee expressly approves in advance, an SETRPC employee may not:

1. Represent or purport to represent SETRPC in communications or dealings with outsiders on matters implicating SETRPC policy, operation, or organization; or
2. Commit SETRPC resources for the benefit of outsiders.

The Executive Director is the only employee authorized to legally obligate SETRPC.

## **400 EMPLOYEE PRACTICES**

### **401 Responsible Agent for Employment**

The Executive Director is the chief executive officer and is responsible for the selection and length of tenure of all employees of SETRPC within the limits of these Personnel Policies and the overall comprehensive budget. Other supervisors may be asked for recommendations as appropriate, but final decisions shall be made by the Executive Director.

### **402 Methods of Recruitment and Selection**

SETRPC has four methods of filling vacancies: (1) promotion from within; (2) lateral transfer from within; (3) public announcement and competitive consideration of internal and/or external application for employment; and (4) temporary employees from employment agencies. The Executive Director determines the method to be used in filling each vacancy on a case-by-case basis and no preference for any method is intended.

Selections are made only on the basis of occupational qualification and job-related factors such as skill, knowledge, education, experience and ability to perform the specific job.

### **403 Public Announcements**

Public announcement of position openings at SETRPC for which there will be competitive consideration are disseminated by the Human Resource Division or other assigned designee in the manner most appropriate for the particular position being filled and consistent with SETRPC's Affirmative Action Plan. All public announcements will be posted in-house for three working days prior to being posted externally unless otherwise determined by the Executive Director.

### **404 Qualifications**

SETRPC establishes the minimum required knowledge, skills and abilities for each staff position and the acceptable levels of experience and training for such.

### **405 Age Requirements**

Persons under 16 years of age will not be employed in any position.

Persons under 18 years of age will not be hired in any hazardous occupation. Any prospective SETRPC employee under 18 years of age must provide written permission from his or her parent or legal guardian prior to the first day of employment.

Other age limitations will be applied only as required by specific state or federal law applicable to SETRPC. Positions paid for with funds received under the U.S. Older Americans Act are subject to the federal requirement that consideration be given to older workers.

#### **406 Application for Employment**

Each applicant for employment is required to submit an application and/or other pertinent information regarding training and experience prior to the established closing date for the vacancy.

It is the responsibility of the hiring division to make appropriate checks to verify education, experience, character and required certificates and skills of an applicant prior to appointment.

#### **407 Employment Reference Checks**

To ensure that individuals who join SETRPC are well qualified and have a strong potential to be productive and successful, SETRPC may check the employment references of all applicants.

The Human Resources Division will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment, position(s) held and if an individual is eligible for rehire.

#### **408 Consideration of Current Employees**

Employees of SETRPC may apply for internal vacancies in the organization, if they have performed competently for at least 90 calendar days in their current position. Employees who have a written warning on file or are on probation or suspension within the previous six months of the date of the posting are not eligible to apply for vacancies. This can, however, be appealed through the issuing Director and with the approval of the Executive Director. Internal applicants will be given equal consideration with other candidates based on qualifications. If seemingly qualified, those that apply will be afforded an interview for the position for which they applied. An employee's pursuit of another position within the organization may not interfere with their current duties nor will they be retaliated against in their current position for applying.

#### **409 Employment of Relatives (Nepotism)**

No person may be hired or placed into a position of employment if he or she is related within the second degree of affinity (marriage) or within the third degree of consanguinity (blood) to any member of the SETRPC Executive Committee, to the Executive Director, or to an employee who would supervise the person. Individuals who are related may not work in the same department.

For the purposes of this policy, a relative or member of the immediate family is any person who is, appears to be, or ever was related by blood or marriage including spouse, child, parent, grandparent, great-grandparent, great-grandchild, aunt, uncle, niece, nephew, cousin. This also relates to any step-relatives.

This nepotism provision applies for 24-months following completion of services as a voting member of the SETRPC Executive Committee.

## **410 Testing**

SETRPC may conduct pre-employment qualification assessment testing for certain job positions. The tests vary based on the qualifications for the particular position. Reasonable accommodations will be made to applicants with a disability if a request for such accommodation is made in advance of a test.

SETRPC may perform drug and/or alcohol testing of employees on a scheduled or random basis when reasonable suspicion exists that an employee is using or abusing illegal prescription drugs or alcohol.

## **411 Employee Medical Records**

Medical records relating to the medical condition, medical testing or drug testing of an employee or a prospective employee are maintained separately from employee personnel files. These medical records are kept in separate files in the Human Resources Division, are confidential, and are not released unless a “need to know” is clearly established. Only the Executive Director or his or her designee or Human Resources Division staff have access to employee medical records. See Section 1700.

## **412 Verification of Eligibility to Work**

In order to comply with the Immigration Reform and Control Act of 1986 as amended, each new employee is required to complete and sign a USCIS Form I-9 within three business days of his or her first day of employment and provide proof of his or her identity and employment eligibility. The SETRPC also participates in E-Verify and employee information will be entered into this system.

## **413 Disqualification**

An applicant is disqualified from employment by SETRPC if he or she:

1. Does not meet the minimum qualifications for performance of the duties of the position involved;
2. Knowingly has made an incorrect, incomplete or misleading statement on the application form (if such information comes to light after hiring, employee is subjected to immediate termination) or during the application process;
3. Has committed fraud during the selection process;
4. Is not legally permitted to work in the United States;
5. Has offered or attempted to offer money, service or any other thing of value to secure an advantage in the selection process;
6. Is not able to perform the essential functions of the position, with or without reasonable accommodation;
7. Has failed to produce within three days of employment the required legal document(s) that establish identity and employment eligibility;
8. If previously worked for the SETRPC and was involuntarily terminated or resigned in lieu of termination;
9. Any other reason deemed to be in the best interest of the SETRPC.

#### **414 Background Checks**

The positions of Executive Director and those in the Administration Finance Division have substantial discretionary authority and are involved in the handling of financial and/or highly confidential information. Notarized affidavits have, therefore, been received from the current SETRPC Executive Director and Administration Finance Division Staff certifying that no circumstances exist that disqualify them from holding their current position. As turnover occurs, new employees to these positions will sign the same notarized affidavit (as noted above) and undergo a criminal background check.

All offers of employment are contingent upon criminal background checks for employees completed by an outside third-party vendor. Convictions listed in section 250.006 of the Texas Health and Safety Code will be barred from employment based upon the time frame listed in this section. The nature and gravity of the offense or conduct, the time that has passed since the offense or conduct and/or completion of the sentence and the nature of the job held or sought will be considered before employment is finalized. Applicants will be asked for authorization as a requirement for employment. Applicants will be given the opportunity to dispute any of the information included in the checks.

Volunteers that work directly with clients will be subject to the above background checks, with the exception of current volunteers working with the RSVP Program.

#### **415 Orientation and Training**

New employee orientation will be provided to all new hires. Before an individual begins performing actual duties, he or she will be given a copy of the Personnel Policies Manual and must read it and sign a statement that they have read and understood and agree to adhere to the policies.

#### **416 Probation Period for Employees**

For all new SETRPC employees (Full-Time, Part-Time, Temporary Full-Time, Temporary Part-Time) the first 90 days of employment in a position will be a probationary period to determine if performance is satisfactory and if employment should be continued.

For employees transferring or promoting into a new position, the first 90 days of employment will also be regarded as the probationary period.

The immediate supervisor is responsible for providing the overall training for any new employee to be able to succeed in their new position. The job expectation should be communicated both verbally and in writing through a current job description.

During the first 90 days of the probationary period, supervisors must meet with the employee to ensure their understanding of the job responsibilities and performance standards at a time appropriate within the first 45 days. Feedback to employees regarding their job performance and training expectations should be communicated. Supervisors should document this meeting and provide a copy for the employee's personnel file.



If there are ongoing problems with an employee's performance during this probationary period, supervisors should consult with the Executive Director and Human Resources Division concerning appropriate next steps. At any time during the probationary period, either the employee or the Executive Director may end the employment relationship at-will, with or without cause or advance notice for reasons not prohibited by law.

Upon completion of the first 90 days of employment in a new position, the immediate supervisor is to conduct a performance review in writing and discuss this information with the employee. Supervisors need to utilize this discussion as a time to discuss strengths and weaknesses regarding the employee's performance in their new position. At the end of this discussion, the employee should be given an opportunity to write comments and sign the review.

Based on performance and absenteeism there may be occasions when it is appropriate to extend the Probationary Period. Supervisors who believe that an extension of the probationary period is warranted should consult with the Executive Director and Human Resources Division to determine need, the terms and time frame the probationary period should be extended. A probationary period may not be extended for more than two, 30-day increments upon approval by the Executive Director.

During the probationary period, employees are entitled to accrue vacation and sick leave detailed in sections 903 and 905. Probationary employees, however, may not use vacation leave until successful completion of the probationary period. Due to the importance of training during the probationary period, it is not recommended that new employees take excessive time off. Excessive absences could affect the performance review performed by the direct supervisor.

Successful completion of the probation period does not constitute a contract for employment. SETRPC is an at-will employer.

## 500 TYPES OF EMPLOYMENT

### 501 Employment Categories

**Regular Full-Time** – A regular full-time employee is employed in an authorized position that involves, on average, at least 40 work hours per week. Regular full-time employees are eligible for SETRPC’s benefit package (See Section 801), subject to the terms, conditions, and limitations of each benefit program.

**Regular Part-Time** – A regular part-time employee is employed in an authorized position that involves, on average, fewer than 40 hours per week. Regular part-time employees are eligible for some of SETRPC’s benefit package (See Section 801), subject to the terms, conditions, and limitations of each benefit program.

**Temporary Full-Time** – A temporary full-time employee is an employee hired to work an average of 40 hours per week as an interim replacement to temporarily supplement the work force or to assist in the completion of a specific project, usually for a period expected to last no more than six months. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless notified of a change. All legally mandated benefits are provided to temporary employees, however, they are ineligible for all other benefits (See Section 801).

**Temporary Part-Time** – A temporary part-time employee is an employee hired to work an average of less than 40 hours per week as an interim replacement to temporarily supplement the work force or to assist in the completion of a specific project, usually for a period expected to last no more than six months. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless notified of a change. All legally mandated benefits are provided to temporary employees, however, they are ineligible for all other benefits (See Section 801).

Employment is conditioned upon continued funding through various grant and contractual arrangements with outside funding sources. Each employee is subject to termination upon discontinuance of available funding for the employee’s position. All employees are employed “at will”.

See Benefits, section 800, of these Personnel Policies for details of benefits available to each category of employees.

Each employee is designated as either Non-Exempt or Exempt from federal and state wage and hour laws. Non-Exempt employees are entitled to overtime compensation under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. An employee’s Exempt or Non-Exempt classification may be changed only upon written notification by Human Resources.

## **600 EMPLOYEE COMPENSATION AND ADVANCEMENT**

### **601 Pay**

Pay for SETRPC employees is set each year by the Executive Committee in the adopted operational budget. The Executive Director shall be the approval authority for all increases in pay within the limitations of the approved budget.

### **602 Paydays**

All employees are paid semi-monthly on the 15<sup>th</sup> and last day of each month. In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

### **603 Pay Delivery**

Employees will be paid via direct deposit. All direct deposits will be required to be made to an accredited financial institution. Employees are responsible for providing a valid routing number and account number to the Administrative Finance Division. The Administrative Finance Division shall be notified of any banking institution changes by employees. Any variations from this policy must have Executive Director approval.

No salary advances or loans against future salary will be made to any employee for any reason.

An employee must promptly bring any discrepancy in pay (such as overpayment, underpayment, or incorrect payroll deduction) to the attention of the Director of Finance or his or her designee.

### **604 Pay Deductions**

Automatic deductions will be made from each employee's pay for the following:

1. FICA Medicare tax – 1.45%;
2. Federal income tax;
3. Retirement contributions – 401(a) for full-time and 457 for part-time
4. Court ordered child support; and
5. Any other deductions required by law.

In accordance with these policies and general procedures approved by the Executive Committee, deductions from an employee's pay may be authorized in writing by the employee for:

1. Group health/medical, life or dental premiums for dependents;
2. Retirement contributions; and
3. Such other deductions may be authorized by the Executive Committee and/or Executive Director, and/or individual employees.

If there is a change in the employee's family status, address or other factor affecting his or her payroll withholding, the employee is responsible for obtaining, completing, and returning applicable paperwork to the Finance Division and/or the Human Resources Division to communicate these changes.

### **605 Base Salary Adjustment Increases**

If a base salary adjustment increase is approved by the Executive Committee, the increase will be in the form of a percentage or a flat dollar amount, or a combination thereof. When this is done, an employee's salary is adjusted by the authorized percentage or flat dollar increase. Base salary adjustments are granted based on a current performance evaluation of the employee. New employees, those within their first twelve months of employment, are not eligible for pay increases, unless special circumstances exist, determined by the Executive Director.

### **606 Earned Incentive Pay**

Any year the Executive Committee sets aside funds for earned incentive pay, that pay will be granted for exceptional performance with evidence of accomplishments that exceed the routine scope of work of a position.

Earned incentive pay is not used to recognize increased duties and responsibilities (a promotion) and is granted without regard to cost-of-living factors and is granted based on a current performance evaluation of the employee.

The method of providing earned incentive pay will be determined by the Executive Director depending on budgetary considerations and may be done as an increase in the permanent salary of the position or as a one-time annual payment.

New employees, those within their first twelve months of employment, are not eligible for pay increases, unless special circumstances exist, determined by the Executive Director.

### **607 Promotions**

A promotion is a change in the duty assignment of an employee which results in advancement to a higher position requiring additional qualifications or involving greater responsibility or both.

Promotions are approved by the Executive Director within the staffing pattern and budget limits approved by the Executive Committee. Employees who are able to perform the essential functions of the position, with or without reasonable accommodation, may be eligible for consideration for a promotion, if and when a vacancy occurs.

An employee who is promoted is subject to the 90-day probationary period and may be returned to his or her former position, or available, at any time during the introductory period if performance is less than satisfactory. If the former position is not available, the employee may be subject to termination.

## **608 Transfers**

Transfers may be made within the same division or to another division with approval by the Executive Director, if a vacant position is available and the employee can perform the essential functions of the position, with or without reasonable accommodation.

An employee who transfers is subject to the 90-day probationary period and may be returned to his or her former position, if available, at any time during the introductory period if performance is less than satisfactory.

## **609 Reclassification**

SETRPC maintains a classification plan by which each position is assigned to a pay group and has a standardized job description for a designated pay group.

A reclassification is a change in duty assignment of an employee to a lower or higher position that may result in a pay adjustment.

## **610 Approving Authority**

The Executive Director is the approval authority for all payrolls and for any pay increases, decreases or payroll transfers granted under the terms of these policies and the annual budget.

## **700 WORK SCHEDULE AND TIME REPORTING**

### **701 Workweek and Work Hours**

The official work period for all SETRPC employees is a seven-day period beginning at 12:00 a.m. on Monday and ending at 11:59 p.m. on the following Sunday. Normal working hours are Monday through Friday, 8:00 a.m. – 5:00 p.m., with one hour for lunch, a total of 40 hours per work week. However, normal working hours may be altered by special events such as a noon and/or evening meeting, conference, holidays, etc.

The Executive Director may set or approve other hours of work, or work periods, for individuals or groups of employees if necessary or desirable.

Employees are expected to report punctually for duty at the beginning of each assigned workday and to work the full work period established.

The Executive Director may authorize employees to telecommute and/or work from a different location than the normal office location. Employees authorized to telecommute must follow guidelines established by the Executive Director.

### **702 Schedule Adjustments**

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

SETRPC offices are closed for the noon hour, however, lunch period for some employees may be staggered according to specified requirements.

### **703 Number of Hours Worked**

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

### **704 Overtime Worked (Non-Exempt Employees)**

Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA); 40 hours per the defined seven-day work week. Under the FLSA, overtime applies only to employees who are not exempt (non-exempt) from the Act's overtime provisions. The policy of the SETRPC is to keep overtime to a minimum. However, employees may be required to work additional hours or on weekends or holidays, and if so, equal time-off (flex time) will be scheduled during the same workweek in which the overtime was worked, if possible.

For non-exempt employees, overtime begins to accrue with the 41<sup>st</sup> hour of actual time worked during the seven-day workweek. Paid leave, such as holiday, sick or vacation, during the same workweek does not apply toward work time.

All overtime services by non-exempt employees under FLSA must be authorized in advance by the employee's Division Director. These employees should not access job-related emails or conduct other business outside of assigned hours without appropriate approval. Employees who fail to obtain prior approval to working hours that extend beyond their normal 40-hour workweek will be subject to disciplinary action, up to and including termination.

### **705 Exemptions from Overtime (Exempt Employees)**

Program Directors and other executive, administration and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this assumption in mind.

### **706 Overtime Compensation**

Under the Fair Labor Standards Act, as a governmental entity, the SETRPC is exempt from paying a monetary amount for overtime and therefore, provides non-exempt employees compensatory time (comp time) for overtime hours. Pursuant to the FLSA, non-exempt employees are compensated for overtime worked by being given:

1. Equal time off (flex time) within the same work period (seven days); or
2. Compensatory time off at one and one-half times the number of hours worked.

All comp time earned from the 1<sup>st</sup> through the 15<sup>th</sup> of each month must be taken by the 15<sup>th</sup> of the next month. All comp time earned from the 16<sup>th</sup> through the end of the month must be taken by the end of the next month. Exceptions to the scheduled time may be made by the Executive Director. Employees will not be paid for unused comp time.

### **707 Holidays Worked**

SETRPC's policy is that each regular full-time employee receives a specified number of paid holidays per year, as determined by the SETRPC Executive Committee and set forth in these policies (Section 1001). In most instances, if a non-exempt employee is required to work on a scheduled holiday, he or she will be given an alternate day off (flex time).

Regular part-time employees are afforded holiday pay if the day falls on a scheduled day to work. If the holiday falls on a day, in which they are not scheduled to work, they will receive no compensation for that holiday.

Temporary full-time and temporary part-time employees do not receive holiday compensation.

## **708 Leave or Holiday Taken and Overtime**

If a full-time employee, who is non-exempt, is required to work extra hours during a workweek in which he or she has used sick leave, vacation leave, or any other type of release time (including holiday time off), the employee will be given hour-for-hour time off (flex time) or compensatory time (for actual hours worked in excess of 40 hours during the workweek).

## **709 Time Reporting**

Employees will keep records of all hours worked and release time taken. Time worked is defined as all time spent on the job performing assigned duties.

All employees will submit time records semi-monthly on the 15<sup>th</sup> and last day of the month, via the SETRPC EWS system unless other requirements are prescribed by a department Director. Time should be recorded each day in order to maintain an accurate and comprehensive record of the actual time spent on particular projects.

## **710 Telecommuting**

Telecommuting is the practice of working at home or at a site near the home instead of physically traveling to a central workplace. SETRPC may offer a work alternative to some employees when it would benefit both the organization and the employee. It is not a universal employee benefit. As such, the SETRPC has the right to refuse to make telecommuting available and to terminate a telecommuting arrangement at any time.

Employees who believe telecommuting can enhance their ability to get their job done should submit a written request to their Manager/Director proposing how it will benefit SETRPC and themselves. The request should explain how they would be accountable and responsible, identify necessary equipment and how communication barriers will be overcome. All requests shall be submitted to the Executive Director for review and approval.

The decision to approve a telecommuting arrangement will be based on factors such as position and job duties, performance history, work skills and the impact on the organization.

The employee's compensation, benefits, work status, work responsibilities and the amount of time the employee is expected to work per day or per pay period will not change due to telecommuting (unless otherwise agreed upon in writing).

The employee's off-site work hours will conform to a schedule agreed upon by the employee and his or her supervisor. If an alternative schedule has not been agreed upon, the employee's normal hours will be the same as before the employee began telecommuting. Changes to this schedule must be reviewed and approved in advance by the employee's supervisor.



## **800 BENEFITS**

### **801 General Policy**

Eligible employees at SETRPC are provided with a wide range of benefits. A number of programs cover all employees as prescribed by law. Benefit eligibility is dependent upon a variety of factors, including employee classification. Human Resources staff can identify programs for which specific employees are eligible. Details of many of these can be found within these policies.

The following benefit programs are available to eligible employees:

Regular Full-Time (RFT)	Temporary Full-Time (TFT)
Regular Part-Time (RPT)	Temporary Part-Time (TPT)
Medical/Dental/Vision/Life Insurance	Vacation Leave
Benefits Continuation (COBRA)	Sick Leave
Life Insurance	Family/Medical Leave
Supplemental Insurance	Bereavement Leave
Workers Compensation Insurance	Personal Leave
Medicare	Jury Duty Leave
Unemployment Insurance	Emergency Leave
Retirement Plan (401a)	Military Leave
Saving Plan (457)	Educational Leave
Roth IRA or Roth 457	Pregnancy Related Leave
Section 125 Flexible Spending Plan	Holidays
No Social Security	

Some benefit programs require contributions from the employee.

### **802 Medical/Dental/Vision/Life Insurance**

Regular full-time and temporary full-time employees of SETRPC are eligible for medical, dental, life, and vision insurance. Upon employment, each employee who is eligible for insurance coverage is provided information regarding benefits available which are subject to the terms and conditions of the agreement between SETRPC and our approved insurance carrier.

Regular full-time employees can purchase dependent medical, dental, vision and life insurance at their own cost at rates established by our approved insurance carrier.

Employees, upon retirement, may continue their individual medical/life/dental insurance coverage at their own cost at rates established by our approved insurance carrier. Premiums will be billed and paid to the insurance carrier by the retired employee. At age 65, retired employees are required to convert their coverage to supplemental Medicare coverage offered by SETRPC's insurance carrier or withdraw from the program.

Any employee referred from a staffing agency will be provided insurance through that agency.

### **803 Benefits Continuation (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified dependents the opportunity to continue health insurance coverage under SETRPC's health plan when a "qualifying event" results in the loss of eligibility.

Under COBRA, the employee or beneficiary pays the full cost of coverage at SETRPC's group rate plus an administration fee. The SETRPC provides each eligible employee with a written notice describing rights granted under COBRA as soon as the employee and SETRPC become aware of an occurring qualifying event.

### **804 Life Insurance**

Regular full-time and temporary full-time employees are eligible for basic life insurance in the amount of one time their salary amount. Additional supplemental and/or dependent life insurance coverage may also be purchased at an additional cost.

Regular full-time employees are also eligible for Accidental Death and Dismemberment (AD&D) which provides coverage in the case of serious injury or death resulting from an accident. AD&D is provided as part of the basic life insurance plan.

### **805 Supplemental Insurance**

All employees are offered supplemental insurance coverage through a third party. The SETRPC provides \$8 per month toward any coverage. Any amount over this will be at the employee's own cost.

### **806 Workers' Compensation Insurance**

All employees of the SETRPC are covered by a workers' compensation insurance program paid for by the SETRPC. The coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries. Neither SETRPC or the insurance carrier will be liable for the payment of benefits for injuries that occur during the employee's participation in any off-duty recreational, social, or athletic activity sponsored by the SETRPC. Detailed information about workers' compensation benefits may be found in Section 1100 Health and Safety.

### **807 Medicare**

All employees hired after March 31, 1986, are covered under the Medicare portion of Social Security. The Medicare tax is currently 1.45% of salary and is paid by the employee and matched by the SETRPC. This coverage provides for medical expenses after age 65.

## **808 Social Security**

Social Security contributions are not made for any employee of the SETRPC for the purposes of retirement or disability benefits.

## **809 Unemployment Insurance**

All employees of the SETRPC are covered under the Texas unemployment compensation insurance program paid for by the SETRPC. The program provides payments for unemployed workers in certain circumstances.

## **810 Retirement Plan (401a)**

Regular full-time employees are provided retirement benefits in lieu of Social Security. Participation is mandatory. Employees are eligible on the date of hire. Current basic requirements of the plan are:

1. SETRPC contributes 8% of each employee's salary per pay period.
2. Each employee contributes 8% of their salary per pay period.
3. Contributions are pre-tax.
4. An employee is fully vested after five years of continuous service in the retirement account according to the following vesting schedule:

<u>Years of Service Completed</u>	<u>Vesting Amount</u>
Less than One Year	0%
One Year	20%
Two Years	40%
Three Years	60%
Four Years	80%
Five or More Years	100%

Any employee who rehires after separating may be eligible to continue at their separation vesting amount, per applicable retirement investment group terms and conditions.

## **811 Saving Plan (457)**

Regular full-time employees are provided with the option of a Section 457 Deferred Compensation Plan. The plan allows for participants to contribute amounts on a pre-tax basis towards retirement, however, SETRPC does not match contributions to this Plan. Regular full-time employees may increase, decrease, stop, and restart contributions as often as they choose without fees or penalties.

It is mandatory for all part-time employees and temporary full-time employees to participate.

## **812 Roth IRA and Roth 457**

Regular full-time employees are provided with the option of a Roth IRA Plan. The plan allows for participants to contribute amounts on a post-tax basis towards retirement. SETRPC does not match contributions to this plan. Employees may increase, decrease, stop, and restart contributions as often as they choose without fees or penalties.

Highly compensated regular full-time employees are provided with the option of a Roth 457 Plan. The plan allows for participants to contribute catch-up amounts on a post-tax basis towards retirement. SETRPC does not match contribution to this plan. Employees who qualify may increase, decrease, stop, and restart contribution as often as they choose without fees or penalties.

## **813 Section 125 Flexible Benefits Plan**

Regular full-time employees are eligible to participate in a Section 125 Flexible Benefits Plan that allows for payment of medical premiums, child care costs and unreimbursed medical expenses on a pre-tax basis. Enrollment is limited to new hires and open enrolment for all other employees.

## **814 Leave Time**

All employees are eligible for holidays, annual leave, sick leave, and other types of release time under certain circumstances. Detailed information about leave and other types of release time is found in Section 900 Leave Time and Section 1000 Holidays.

## **900 LEAVE TIME**

### **901 Definitions**

***Leave Time*** – Leave time is the time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.

***Holidays*** – Holidays are days designated by the Executive Committee during which SETRPC offices are closed.

***Unauthorized Absence*** – An unauthorized absence is one in which the employee is absent from regular duty without the permission of the supervisor and/or division director. Employees are not paid for unauthorized absences, and such absences are cause for disciplinary action.

***Administrative Leave*** – A leave authorized by the Executive Director, with or without pay, when warranted by unexpected or extraordinary circumstances not otherwise provided for in these Personnel Policies.

***Immediate Family*** – When used in these Personnel Policies, “Immediate Family” means spouse (legal and common law), parent (natural, adoptive, step, foster, ward, in loco parentis), child (natural, adoptive, step, foster, ward, in loco parentis), brother and sister (natural, adoptive, step, foster, ward) and grandparent, in both consanguinity and affinity relationships. With the approval of the Executive Director this definition may, in individual circumstances, be expanded.

### **902 Approval of Leave**

All leave taken by SETRPC employees, with the exception of FMLA leave, must be pre-approved by the employee’s supervisor. FMLA leave is governed by Section 906. In lieu of pre-approval, division directors will notify the Executive Director by email or text that they will be out on leave.

Directors are responsible for determining leave has been accrued and is available for use in the amounts requested by an employee. In addition, supervisors are responsible for ensuring that all vacation and sick leave usage is recorded on the timesheet when submitted for payroll purposes.

### **903 Vacation Leave**

All regular full-time employees and regular part-time employees are eligible to accrue paid vacation leave. SETRPC employees are encouraged to take regular vacations at least annually.

The amount of paid vacation time employees receive each year increases with the length of their employment shown as follows:

### ***Regular Full-Time Employees***

- Upon initial eligibility, an employee is entitled to 10 vacation days each year, accrued semi-monthly at a rate of 3.33 hours per pay period.
- After 5 years of eligible service, an employee is entitled to 15 vacation days each year, accrued semi-monthly at a rate of 5 hours per pay period.
- After 10 years of eligible service, an employee is entitled to 20 vacation days each year, accrued semi-monthly at a rate of 6.667 hours per pay period.

### ***Regular Part-Time Employees***

- Upon initial eligibility, an employee is entitled to a number of vacation days determined by the number of hours worked per week.

### ***Temporary Employees***

- Temporary employees do not earn vacation leave.

The length of eligible services is calculated from the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation.

Vacation leave is calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation.

A new employee must work at least two weeks to earn vacation time.

### ***Accumulation of Vacation Leave***

Employees are encouraged to use accrued vacation leave each year as it is earned. In the event available vacation is not used by the end of the calendar year, employees may carry unused time forward to the next year. An employee will not, however, be allowed to accumulate vacation leave in excess of what would be accumulated in two full years, unless otherwise approved by the Executive Director on a case-by-case basis due to unexpected or extraordinary circumstances.

Vacation leave balances exceeding this maximum will be reduced without compensation to the maximum allowable amount of accrual each December 31. Pay in lieu of vacation is not permitted other than upon separation.

### ***Payment for Unused Vacation Leave Upon Separation***

When an employee leaves the service of SETRPC, he or she will be paid for accrued but unused vacation leave.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work not to exceed 320 hours. The rate of pay will be determined by the current rate in effect at the time of the termination.

Employees are ineligible for payment of accrued, unused leave if:

1. Employee terminates with fewer than 6 full months of continuous service.
2. Employee fails to give two calendar weeks' notice of termination and meet requirement of resignation in 1403.
3. Employee is dismissed for disciplinary reasons or resigns while under investigation.
4. Employee abandons position as defined in Section 915.

Sick leave cannot be used for vacation leave purposes when vacation leave is exhausted.

### ***Scheduling Vacation Leave***

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

Should an adjustment to the normal hours of office operation be made, if an employee is off on scheduled vacation leave, the time must still be charged as such. See also Section 702 Schedule Adjustments.

Annual leave is to be taken in no less than 30-minute increments.

### **904 Compensatory Leave**

See Section 704 Overtime Worked (Non-Exempt Employees), 705 Exemptions from Overtime (Exempt Employees) and 706 Overtime Compensation for information about compensatory time.

### **905 Sick Leave**

An employee with accrued sick leave may use it if the employee is absent from work due to any of the following reasons:

1. Personal illness or physical or mental incapacity.
2. Medical, dental, or optical examinations or treatments.
3. Medical quarantine resulting from exposure to a contagious disease.
4. Illness of a member of the employee's immediate family, as defined in Section 901, requires the employee's personal care and attention.

### ***Accrual of Sick Leave***

Regular full-time employees earn 15 sick days each year, accrued semi-monthly at a rate of 5 hours per pay period. The maximum accumulation of sick leave shall not exceed 960 working hours. Regular part-time employees who work at least 20 hours per week accrue annual sick leave on a pro-rated basis. Temporary employees do not earn sick leave.

Sick leave benefits are calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation.

Sick leave is to be taken in no less than 30-minute increments.

### ***Use of Sick Leave***

Eligible new employees begin accruing sick leave benefits immediately but are not permitted to access this benefit until after their 90-day probation period has ended. If a situation arises in which the employee needs to take off during this 90-day probation period, the employee may utilize vacation time accrued or take leave without pay. Any other time off must be approved by the Executive Director.

All others may take leave when needed if leave has been accrued.

Sick leave cannot be used for vacation purposes when vacation leave is exhausted.

### ***Notification Requirements***

Approval of sick leave for non-emergency medical, dental or optical appointments must be secured at least one day in advance. In all other instances, the employee must notify his or her supervisor no later than 30 minutes after the time the employee is scheduled to begin work unless emergency conditions exist. The employee must contact their supervisor each subsequent day he or she will be out on sick leave unless other arrangements are made. See also FMLA Leave Policy and notification requirements.

Failure to provide the required notice may result in disciplinary action. Employees are expected to return to work as soon as they no longer need to take sick leave.

Should an adjustment to normal hours of office operation be made, if an employee is out sick, the time must still be charged as such.

### ***Verification***

The Executive Director, an employee's department director and/or supervisor may require an employee to furnish written verification supporting sick leave taken, at any time.

Failure to provide justification or other violations of this provision may result in disciplinary action.



### ***Accumulation of Sick Leave***

The accumulation of sick leave shall not exceed 960 working hours. If an employee reaches this maximum, further accrual will be suspended until the employee has reduced the balance below the limit.

### ***Exhaustion of Sick Leave***

An employee who has exhausted accrued sick leave may request to use accumulated vacation or other paid leave or unpaid leave. No advance of unearned leave will be made for any reason.

### ***Illness While on Vacation Leave***

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

### ***Forfeiture Upon Termination***

Unused sick leave is forfeited upon termination of employment.

## **906 Family Medical Leave (FMLA)**

SETRPC will comply with the Family and Medical Leave Act (FMLA) implementing regulations as revised. SETRPC posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U. S. Department of Labor (DOL) on *Employee Rights and Responsibilities under the FMLA*. The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

### ***Eligible Employees***

To be eligible for family or medical leave, an employee must be regular full-time or regular part-time and must have been employed by SETRPC for at least 12 months or 52 weeks and need not have been consecutive. Separate period of employment will be counted, provided that the break in service does not exceed seven years. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence.

The amount of family or medical leave to which a part-time employee is entitled is determined on a pro rata basis.

This section applies equally to male and female employees. However, if both spouses are employed by SETRPC, and the reason for the leave is to care for the same family member, 12 weeks is the aggregate family leave limit for both.

### ***Calculation of 12-Month Period***

Eligible employees may request up to a maximum of 12 weeks of family/medical leave within any 12-month period. Leave qualifying as FMLA will be counted as such and the clock on the employee's allocated 12 weeks under FMLA will begin. An employee may elect to be paid using

their vacation or sick leave during this time but cannot delay the taking of FMLA until after paid leave has been exhausted. Accrual of vacation and sick time will continue if paid leave is utilized. FMLA leave time will also run concurrently with time off for work related injuries. SETRPC will use a “rolling” 12-month period measured backward from the last date on which an employee used FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement equals the balance of the 12 weeks not used during the preceding 12 months. (For example, if an employee takes three weeks off for surgery in March and then requests FMLA leave in December to care for a sick family member, the leave will roll back to begin on March 1 – the date the employee took off for a qualifying event).

### ***Reasons for Family or Medical Leave***

An eligible employee is entitled to take up to 12 weeks unpaid family or medical leave during any 12-month period for one or more of the following reasons:

1. For the birth of the employee’s child and for bonding with the newborn.
2. For the placement of a child with the employee for adoption or foster care and for bonding with the newly placed child.
3. To care for the employee’s spouse, child or parent with a serious health condition.
4. When the employee is unable to perform the essential function of his or her job due to the employee’s own serious health condition.
5. Qualifying Exigency Leave - Entitles eligible employees to take up to 12 workweeks of FMLA leave in a 12-month period for a “qualifying exigency” related to the foreign deployment of the employee’s spouse, son, daughter, or parent.

Qualified Exigencies are one or more of the following:

- a. Short-notice deployment
- b. Military events and related activities
- c. Childcare and school activities
- d. Financial and legal arrangements
- e. Counseling
- f. Rest and recuperation
- g. Post-deployment activities
- h. Additional activities – to address other events that might arise out of the covered military member’s active duty or call to active-duty status provided that the employer and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

An eligible employee is entitled to take up to 26 weeks unpaid family or medical leave during any 12-month period for the following reason:

6. Military Caregiver Leave - Entitles eligible employees who are a spouse, son, daughter, parent or next of kin of a covered servicemember (current member or veteran of the National Guard, Reserves or Regular Armed Forces) with a serious injury or illness incurred or aggravated in the line of duty to take up to 26 workweeks of FMLA leave during a single 12-month period to care for their family member. The maximum leave for a single injury or illness is 26 weeks.

### ***Definition of Family Members Specifically for FMLA***

Covered family members under the Family and Medical Leave Act (FMLA) are the employee's spouse, son, daughter or parent as defined in the FMLA Regulations Definitions.

Under the FMLA, a "spouse" means a husband or wife, including those in same-sex marriages, which were made legal in all 50 United States as of June 26, 2015. This also includes common law marriages.

The FMLA defines the term "parent" as "a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when he or she was a minor."

"Son or daughter" means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under age 18 or age 18 or older and "incapable of self-care because of a mental or physical disability.

Family members not covered by the federal FMLA include siblings, in-laws, grandparents and other extended family members unless those individuals stood "in loco parentis" to the employee when he or she was a minor. Nonfamily members can also be covered under the in loco parentis definition, which is defined as having had the responsibility of providing day-to-day care to the employee and of financially supporting the employee in his or her childhood.

The FMLA also allows employees to take leave to care for a covered service member or veteran with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the service member or veteran. "Next of kin" means the nearest blood relative other than the covered service member's spouse, parent, son or daughter in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

### ***Intermittent Leave or Reduced Work Schedule***

An employee may take FMLA leave for 12 consecutive weeks or may use the leave intermittently (take a day periodically when needed over the year) or under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks where applicable or 26 workweeks where applicable over a 12-month "rolling" period.

SETRPC may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule. For example, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth or placement for adoption or foster care.

For the birth, adoption, or foster care of a child, SETRPC and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with SETRPC before

taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of intermittent leave is medically necessary.

### ***Use of Paid and Unpaid Leave***

An employee may elect to be paid using their vacation or sick leave while taking leave but cannot delay the taking of FMLA until after paid leave has been exhausted. FMLA runs concurrently with paid or unpaid leave. Accrual of vacation and sick time will continue if paid leave is utilized. If leave is unpaid, the employee does not accrue additional vacation, sick, or any other type of leave such as paid holidays.

Subject to the terms, conditions and limitations of the applicable plans, health insurance benefits will be maintained by SETRPC for the duration of the leave time. An employee on unpaid FMLA leave must arrange to pay his or her normal portion of voluntary insurance premiums such as disability, optional life, dependent coverage, etc.

### ***Employee Notice to SETRPC***

Eligible employees should make requests for FMLA leave to their supervisor at least 30 days in advance of foreseeable events or as soon as possible for unforeseeable events. If unable to provide 30 days' notice, an employee must provide as much notice as is practicable. For military-related leave, copies of relevant military orders must be submitted when available.

### ***SETRPC Notice to Employee***

When an employee requests FMLA leave or SETRPC obtains knowledge that an employee's leave may be for an FMLA-qualifying reason, SETRPC will provide a *Notice of Eligibility and Rights and Responsibilities* within five business days, absent extenuating circumstances. This notice will provide specific expectations and obligations of the employee and explain any consequences of a failure to meet these obligations.

### ***Certification of Serious Medical Condition or Need for Family Care***

During an employee's FMLA leave, he or she may be required to provide SETRPC with a physician's statement as requested by the SETRPC or SETRPC's insurance carriers, attesting to your continued serious health condition and inability to work.

SETRPC's Human Resources Division may directly contact the health care provider for the verification or clarification of the medical certification. SETRPC will not use the employee's direct supervisor for this contact. Before SETRPC makes direct contact with the health care provider the employee will be given an opportunity to resolve any deficiencies in the medical certification.

### ***Return to Work***

So that an employee's return to work can be properly scheduled, an employee is requested to provide SETRPC with at least two days' advance notice of the date he or she intends to return to work.

Before an employee will be permitted to return from medical leave, he or she will be required to provide a Fit for Duty Certification from a physician indicating capability of returning to work and performing the essential function of the position for which he or she will be returning with or without reasonable accommodation.

If an employee fails to return to work on the agreed upon return date, SETRPC will consider the employee resigned.

### ***Reinstatement***

After completion of an approved FMLA period, an employee will be returned to the same position he or she held before the leave began or to a position equivalent to the previously held position in pay, benefits and other terms and conditions of employment. SETRPC may choose to exempt certain key employees from this requirement and not return them to the same or similar position as defined in 825.217 FMLA Regulations – Certain Conditions. Key employees are salaried FMLA eligible employees who are among the highest paid 10 percent of all employees employed by SETRPC within 75 miles of the employees' worksite. Reinstatement may be denied to key employees if the denial is necessary to prevent substantial and grievous economic injury to the operations of the employer. In addition, employees on a leave extension are not guaranteed reinstatement.

### ***Request for Extension of FMLA Time***

If an employee requests additional unpaid leave beyond the 12-week maximum allowable under this section, any extension granted will be under the terms set out in Section 901 Administrative Leave.

### ***Documentation***

All documentation regarding FMLA leave will be filed in the employee's medical file, which is maintained separately from the employee's personnel file and is accessible to a limited number of persons only on a "need-to-know" basis.

## **907 Bereavement Leave**

Regular full-time and regular part-time employees are eligible for up to three days of paid bereavement leave in the event of the death of each member of their immediate family as defined in Section 901.

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. Approval of leave is given by the Executive Director. Leave may be requested for others on a case-by-case basis.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with their supervisors' approval, use any available paid leave for additional time off, as necessary.

## **908 Civil Leave**

Employees are entitled to civil leave with pay for jury duty, for serving as a subpoenaed witness in an official proceeding and for the purposes of voting.

One hour of leave to vote will be granted to employees.

Employees must show a jury duty summons or subpoena to their supervisor, as soon as possible, so that arrangements to accommodate the absence may be made.

When an employee has fulfilled the reason for their civil leave, he or she must report to SETRPC for duty for the remainder of the day.

SETRPC will continue to provide health insurance benefits and accrued vacation, sick and holiday benefits for the full term of the civic duty absence.

### **909 Military Leave**

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. Military or Reserve Components of the U.S. Military in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Regular full-time and part-time employees are entitled to a paid leave of absence without loss of time, seniority, or benefits on all days during which they are engaged in authorized training or duty ordered by proper authority, not to exceed 15 days in any one federal fiscal calendar year. Vacation, sick, and holiday benefits will accrue during paid leave. For leave that is longer than 15 days, an employee may request to use any accrued vacation leave, holiday pay or optional holiday pay (if the holidays fall within the leave period) in order to continue pay, or the employee can be on administrative leave without pay. An employee cannot be required to use paid leave.

An employee must give as much advance notice of service unless military necessity prevents such or it is otherwise impossible or unreasonable. Copies of relevant military orders will be provided, if available.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for the purpose of determining benefits based on length of service.

This policy is not able to address all issues concerning an employee's rights during military leave. For issues that arise that are not addressed in this policy, SETRPC will abide by USERRA and any controlling state laws.

### **910 Educational Leave**

Educational leaves of absence without pay are available to regular full-time and regular part-time employees who wish to take time off from work duties to pursue educational goals.

Eligible employees who have completed 90 calendar days of service may request educational leave for a period of up to two weeks every calendar year. Requests will be evaluated based on several factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

SETRPC will continue to provide health insurance benefits for the full period of the approved educational leave. Vacation, sick leave, and holiday benefits will continue to accrue during the approved educational leave.

When educational leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, SETRPC cannot guarantee reinstatement in all cases. If an employee fails to report to work at the end of the approved leave period, it will be assumed the employee has resigned.

### **911 Injury Leave**

For information on injury leave for bona fide, on-the-job, work-related injuries, please see Section 1100 Health and Safety.

### **912 Administrative Leave**

The Executive Director may authorize administrative leave, with or without pay, when warranted by unexpected or extraordinary circumstances not otherwise provided for in these policies.

### **913 Using Leave in Combination**

If an employee is sick or temporarily disabled for non-work-related reasons and he or she has exhausted accrued sick leave, SETRPC will automatically apply any accrued vacation leave unless notified differently by the employee.

Sick leave cannot be used for vacation leave purposes when vacation leave is exhausted.

### **914 Leave of Absence Without Pay (not covered by FMLA)**

Leave of absence without pay is an approved absence from duty in a non-paid status for not more than three months unless an extension is approved by the Executive Director. Extensions of leave may be authorized by the Executive Director in no more than one-month intervals.

Granting a leave of absence without pay is at the discretion of the Executive Director. Such leave is not authorized unless all applicable accrued paid leave has been exhausted and there is a reasonable expectation that an employee will return to employment with SETRPC at the end of the approved period. Approval of the leave must be documented with a copy of the documentation placed in the employee's personnel file or medical file. Employees on leave of

absence without pay receive no compensation and accrue no benefits. However, previously accrued benefits are retained during leaves of absence unless otherwise prohibited by the terms or provision of the benefit programs. Medical, dental, vision, life and supplemental insurance can be continued if the employee pays the premiums (including SETRPC's portion) in full in a timely manner.

A leave of absence without pay may be appropriate for the following reasons:

1. Educational purposes that, when successfully completed, will benefit SETRPC.
2. Public Service assignments
3. Personnel exchange programs which emphasize intergovernmental relations.
4. Military service.
5. Any other reason approved by the Executive Director which, in the judgment of the Executive Director, merits leave without pay.

An employee requesting an unpaid leave of absence must provide the Executive Director with a statement indicating the expected length of time needed, as well as a written statement from the employee concerning his or her intentions about returning to work at SETRPC. In determining whether or not to approve the request for leave without pay, the Executive Director will consider the employee's length of service and performance, the department's needs and the prospect for temporary replacement of the employee or reassignment of the employee's duties.

An employee on leave without pay must contact the appropriate SETRPC supervisor at least weekly to report on his or her status. Failure to provide required status reports, or to contact the office on the schedule required by the Executive Director, or the supervisor, is grounds for revoking the leave and for taking disciplinary action.

A summary for the basis for the decision to grant or deny any unpaid leave of absence and the terms of the leave must be prepared by the employee's supervisor, signed by the Executive Director, or his or her designee and placed in the employee's personnel file.

A leave of absence without pay may be revoked upon receipt of evidence that the cause for granting the leave was misrepresented or has ceased to exist.

At the expiration of a leave of absence without pay, every effort will be made to reinstate the employee in the same or a comparable position. However, if no vacancy exists and reasonable effort to place the employee in another position has been unsuccessful, the employee will be terminated and paid accrued benefits.

### **915 Abandonment of Position (No Call/No Show)**

An employee's absence for a period of three consecutive workdays without contacting the employee's supervisor is considered by the Executive Director to be a voluntary resignation from employment. Unless the Executive Director determines otherwise, the resignation is not in good



standing, the employee is not eligible for reemployment or pay for any accrued and unused vacation time.

This policy will be administered consistently with SETRPC's obligations under the Family Medical Leave Act (FMLA) and Americans with Disabilities Act (ADA).

## **1000 HOLIDAYS**

### **1001 General Policy**

Paid holidays are established by the SETRPC Executive Committee annually. The following are normally observed as paid holidays for regular full-time employees and regular part-time employees (temporary employees are not paid for holidays not worked):

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day
- Day After Christmas

If a holiday falls on Saturday, SETRPC offices shall be closed the preceding Friday. If a holiday falls on Sunday, SETRPC offices shall be closed the following Monday.

When a holiday falls during a week in which an employee is taking the full week of FMLA leave, the entire week is counted as FMLA leave. However, when a holiday falls during a week when an employee is taking less than the full week of FMLA leave, the holiday is not counted as FMLA leave, unless the employee was scheduled and expected to work on the holiday and used FMLA leave for that day.

### **1002 Holiday During Vacation**

If a recognized holiday falls within a regular employee's approved vacation schedule, the employee will be granted the holiday and not charged for vacation leave.

### **1003 Work During Holidays**

If a department director finds it necessary to do so, he or she may direct some or all employees of that specific department to report for work on any holiday. See Sections 704 Overtime Worked (Non-Exempt Employees) & 707 Holidays Worked.

Nonexempt employees who are required to work on a holiday, in addition to working their regular 40-hour workweek, will be compensated as follows:

1. Granted an alternative day off for the holiday during the same workweek unless extraordinary circumstances exist; or
2. Granted compensatory time at time and one-half for time worked in excess of 40 hours.

#### **1004 Emergency Closings**

At times, unexpected and extraordinary circumstances can disrupt SETRPC operations. In extreme cases, these circumstances may require the closing of the SETRPC offices.

When the decision is made to close the SETRPC offices, employees will receive official notification from their immediate supervisor or from the Executive Director or his or her designee. In these situations, time off from scheduled work will be paid. **In an emergency closing when the employee has already arranged time away for vacation or other events, that time shall be charged as previously arranged.** Employees in essential operations may be asked to work on a day when operations are officially closed.

## **1100 HEALTH AND SAFETY**

### **1101 Safety Policy**

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

### **1102 Employee Responsibility and Reports**

Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as those of other employees.

An employee must report every on-the-job accident, no matter how minor, to his or her supervisor within 24 hours. The supervisor is responsible for reporting the incident to the Human Resources Division or Executive Director.

Failure to report an on-the-job injury, no matter how minor, is subject to disciplinary action.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees who violate safety standards, who cause hazardous or dangerous situations or who fail to report or remedy situations, may be subject to disciplinary action.

### **1103 Employee Suggestions**

An employee shall report immediately to his or her immediate supervisor or the Human Resources Division any condition that, in the employee's judgment, threatens the health and safety of employees or visitors.

Employees are encouraged to make suggestions to their supervisors for improvements that would make SETRPC a safer or healthier place to work.

### **1104 On-the-Job-Injuries**

1. **Insurance** – SETRPC provides comprehensive workers' compensation insurance, at no cost, to employees. This insurance provides medical expenses and a weekly payment if an employee is absent from work because of a bona fide, on-the-job, work-related injury for more than seven days. All workers' compensation insurance claim forms must be submitted to the Human Resources Division or someone in Administration immediately upon receipt of a claim.
2. **Medical Attention** – An employee who sustains a bona fide, on-the-job, work-related injury may seek medical attention from the medical facility or professional of his/her choice. An employee returning to work must submit a physician's statement releasing them to return to work. As determined by the Executive Director, at SETRPC's expense, an employee may be required to submit to examination by an independent physician.

3. **Initiation of Injury Leave** – An employee who is placed on leave for a bona fide, on-the-job, work-related injury will be provided with a copy of SETRPC's policy concerning On-the-Job Injuries prior to or as soon after the beginning of the leave as is feasible. Injury leave begins on the first scheduled workday of absence due to on-the-job injury and continues until the employee returns to work, his or her eligibility expires, or the employee is removed from injury leave coverage by SETRPC.
4. **Compensation** - If an employee sustains a bona fide on-the-job, work-related injury which renders him or her unfit for performing the duties of the job, and if accrued sick leave is available, the employee is placed on sick leave status and receives full pay less legal deductions from SETRPC for up to one week.

After the one-week waiting period, an employee with accrued sick leave may elect to supplement his or her workers' compensation payments with sick leave payments from SETRPC provided that the employee has adequate accrued sick leave on the records. The supplemental sick leave pay from SETRPC will be in an amount that, when added to the workers' compensation payment, equals the employee's regular "take home" pay (that is, the employee's gross salary minus income tax, and any other deductions that are not applicable to the workers' compensation pay). The employee must sign a leave request form to exercise this option. SETRPC may designate workers' compensation absences to run concurrently with FMLA Leave if the absence qualifies as an FMLA reason.

An employee receiving workers' compensation payments does not accrue vacation or sick leave and is not entitled to receive holiday pay.

5. **Duration of Injury Leave** - The maximum duration of occupational disability or injury leave is six months unless an extension is approved by the Executive Director. Extensions of leave may be authorized by the Executive Director in no more than one-month intervals, and a careful review must be conducted by the Executive Director prior to authorizing any extension.
6. **Termination of Injury Leave** - Injury leave with pay may be terminated at any time without prior notice. The Executive Director will terminate the injury leave upon receipt of evidence that the employee, while able to return to work, has not done so.
7. **Continuation of Health Benefits** - To continue insurance (e.g., medical, dental, vision, life, and supplemental insurance) when the employee is on injury leave and no longer receiving a regular paycheck, the employee must pay both the employee's and SETRPC's portions of these insurance premiums directly to the SETRPC. This provision applies to employees who are away from the job on injury leave in excess of 30 calendar days. However, the SETRPC's benefit plan limits the length of time the medical benefits may be continued to 12 months.
8. **Exclusion** - Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, act of God except in certain limited circumstances, or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.
9. **Reporting Requirements** - While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the doctor for consultation or treatment,

he or she must provide a progress report to the Human Resources Division, or designee. Any change in the employee's condition which might affect his or her entitlement to workers' compensation payments must also be reported to the Human Resources Division, or designee. In addition, the injured employee must contact his or her supervisor, on a specific schedule, to report on his or her condition. Failure to provide the required medical status reports or to contact the supervisor on the specified schedule is grounds for revoking the employee's leave and for taking disciplinary action.

10. **Return to Service** - A written statement from the attending physician certifying that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing as well as any limitation(s) must be received by SETRPC before an employee may return to work. All employees on injury leave must return to work after approval of either the employee's attending physician or an independent physician paid by SETRPC. Failure to return to work when directed will result in appropriate disciplinary action. Upon receipt of a release to return to work, SETRPC may require the employee to submit to a medical examination to determine whether the employee can perform the essential functions of his or her position, with or without reasonable accommodation. If the employee cannot perform the essential functions of the position, or if the employee is a qualified individual with a disability and he or she cannot perform the essential functions of the position with or without reasonable accommodation, the employee's employment will be terminated. SETRPC's efforts to reasonably accommodate the employee will be conducted in accordance with applicable law.
11. **Light Duty Status** - During the course of an on-the-job injury leave of absence, if an employee is released by his or her doctor for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a temporary position is available in which SETRPC can use the employee's limited services for an interim period of time.

If no acceptable light duty assignment can be found, the employee will continue on FMLA or Medical leave if there is any remaining leave or be placed on inactive status until released by the doctor and workers' compensation to return to his or her previous job.

An employee who is able to return to work on light duty status is considered a temporary employee and may be required to work in a different department and perform duties not contained within his or her current job duties. When an employee is assigned to light duty status and performing different duties, he or she will be paid according to the level of pay that is appropriate for the light duty job assignment. A light duty assignment cannot exceed 90 days.

12. **Final Release or Settlement** - At the time of final release or settlement of a workers' compensation claim, the employee must furnish SETRPC with a certificate from the employee's physician stating the status of the employee's physical condition and an anticipated return to work date.

## **1105 Tobacco/Vape Free Workplace**

SETRPC employees and visitors will observe a tobacco/vape free workplace. Smoking, smokeless tobacco and vaping in individual offices, public areas, and restrooms or within 25 feet of the building is not permitted. Employees may, however, smoke inside their vehicle. Failure to comply with this policy could result in disciplinary action.

## **1106 Drug-Free Workplace**

SETRPC intends to provide a safe, alcohol, and drug-free work environment for employees and others doing business with the agency. To promote this, SETRPC has established and adopted a Drug-Free Workplace Awareness Policy. SETRPC's workplace means all SETRPC premises including all buildings, parking lots, vehicles, and open spaces around SETRPC buildings, and any other location while conducting SETRPC business. In all instances, where reference is made to alcohol, drugs or other controlled substances, the references include inhalants.

1. Due to the dangers and liabilities of drug use in the workplace, all employees of SETRPC are notified that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance (including inhalants) is prohibited in the workplace of SETRPC. In addition, SETRPC prohibits employees from being under the influence of alcohol, drugs, or inhalants in the workplace or while on duty for SETRPC. Employees who violate this policy will be subject to immediate dismissal.
2. SETRPC has established a drug-free awareness policy providing information about the dangers of drug and alcohol abuse in the workplace, the SETRPC's position in maintaining a drug and alcohol-free workplace, information about available drug and alcohol counseling and rehabilitation, and information about the penalties that may be imposed on employees for drug or alcohol abuse violations occurring in the workplace. Each employee of the SETRPC will be furnished a copy of this policy.
3. Each employee of SETRPC will abide by the terms of this policy and will notify SETRPC of any conviction for violation of a drug law occurring in the workplace no later than five calendar days after the conviction.
4. SETRPC will notify any federal funding agency, so requiring, within 10 days after receiving notice under the above paragraph from an employee or otherwise receiving actual notice of the conviction.
5. SETRPC will take one of the following actions within 30 days of receipt of notice with respect to any employee who is so convicted:
  - a. Taking disciplinary action against such an employee, up to and including termination; or
  - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program adopted for such purpose by Federal, State, local health, law enforcement, or other appropriate agency.
6. Any employee so convicted will be subject to serious disciplinary action up to and including immediate dismissal.
7. SETRPC will make a good faith effort to continue to maintain a drug and alcohol-free workplace through the implementation of this policy.

Please refer to the Substance Abuse Policy for additional information and requirements related to use and abuse of alcohol and drugs.

### **1107 Visitors in the Workplace**

To provide for the safety and security of employees and the facilities at the SETRPC, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

All visitors should enter SETRPC through the front lobby. Authorized visitors should sign in at the front desk and be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

Employees should notify the Executive Director or Human Resources Division immediately of any party that is a threat or should not be authorized to be in the SETRPC Offices.

If an unauthorized individual is observed on SETRPC's premises, employees should immediately notify their supervisor, an Administrative Division staff member or, if necessary, direct the individual to the lobby.

### **1108 Children in the Workplace**

Employees may from time to time need to bring children to the office. In this event, it should be for a limited amount of time to allow the parent to make alternative care arrangements.



## **1200 USE OF SETRPC PROPERTY**

### **1201 General Policy**

SETRPC attempts to provide each employee with equipment adequate to perform the job assigned and expects each employee to observe safe work practices and safe and courteous operation of equipment in compliance with all applicable regulations.

Employees who are assigned tools, equipment or any other SETRPC property by their departments are responsible for them and their proper use.

The use of any SETRPC property, materials, supplies, tools, or equipment for political purposes is prohibited.

### **1202 Overview**

This section establishes the acceptable usage guidelines for all SETRPC owned technology resources. These resources can include, but are not limited to, the following equipment:

- Computers
  - Servers, desktops, laptops, mobile devices, etc.
- Network Equipment
  - Switches, routers, network and communication cabling, wireless devices, fiber optic lines, etc.
- Audio/Video Equipment
  - Telephones, cell phones, HDTVs, cameras, projectors, etc.
- Peripherals
  - Printers, copiers, fax machines, etc.
- Software
  - Operating systems, application software, etc.
- Resources
  - Cloud file storage, email accounts, social media accounts, websites, etc.

### **1203 Use of Tools, Equipment and Property**

All users should be aware that all SETRPC owned equipment, network infrastructure and software applications are the property of SETRPC and therefore are to be used for official use only. Also, all data residing on SETRPC owned equipment is also the property of SETRPC and therefore, should be treated as such, and protected from unauthorized access.

The following activities are prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (for example, systems administration

staff may have a need to disable the network access of a host if that host is disrupting production services).

Under no circumstances is an employee of SETRPC authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing SETRPC owned resources. The lists below are by no means exhaustive but attempts to provide a framework for activities which fall into the category of unacceptable use.

The following activities are strictly prohibited:

- Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of “pirated” or other software products that are not appropriately licensed for use by SETRPC.
- Unauthorized installation of any copyrighted software for which SETRPC or the end user does not have an active license.
- Introduction of malicious programs into the network or server environments (e.g.: viruses, worms, Trojan horses, rootkits, ransomware, etc.).
- Revealing your account password to others or allowing use of your account by others. This includes family and other household members if work is being done remotely.
- Using a SETRPC computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user’s local jurisdiction.
- Making fraudulent offers of products, items, or services originating from any SETRPC account.
- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, “disruption” includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
- Port scanning or security scanning unless prior notification to the SETRPC IT Department is made.
- Executing any form of network monitoring which will intercept data not intended for the employee’s host unless this activity is a part of the employee’s normal job/duty.
- Circumventing user authentication or security of any host, network, or account.
- Interfering with or denying service to any user other than the employee’s host (for example, denial of service attack).
- Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user’s terminal session, via any means, locally or via the Internet/Intranet/Extranet.

- Sending unsolicited email messages, including the sending of “junk mail” or other advertising material to individuals who did not specifically request such material (email spam).
- Any form of harassment via email, telephone, or paging, whether through language, frequency, or size of messages.
- Unauthorized use, or forging, of email header information.
- Solicitation of email for any other email address, other than that of the user’s account, with the intent to harass or to collect replies.
- Creating or forwarding “chain letter”, “Ponzi” or other “pyramid” schemes of any type.
- Use of unsolicited email originating from within SETRPC’s networks or other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by SETRPC or connected via SETRPC’s network.
- The display or transmission of ethnic slurs, racial comments, off-color jokes, sexually explicit images, messages, or cartoons is prohibited.

Violations of any of these activities may result in disciplinary action, up to, and including termination of employment.

#### **1204 Electronic Mail (E-Mail)**

SETRPC maintains an electronic mail system. This system is provided to assist in the conduct of business within the SETRPC.

The electronic mail system is the property of SETRPC. Additionally, all messages composed, sent, or received on the electronic mail system are and remain the property of SETRPC. They are not the private property of any employee.

Employees are to use electronic mail for business purposes only. In the event unsolicited personal e-mail is received, the mail should be deleted and discarded.

The electronic mail system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.

The electronic email system shall not be used to send or receive copyrighted materials trade secrets, proprietary financial information, or similar materials without prior authorizations.

SETRPC reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages or information created, received, or sent over the electronic mail system for any purpose. The contents of electronic mail may be disclosed within SETRPC without the permission of the employee.

The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality or privacy.

Notwithstanding SETRPC's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees (other than the ED or IT) are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval by the Executive Director. Employees should not attempt to gain access to another employee's messages without the latter's permission.

Any employee who violates this policy or uses the electronic mail system for improper purposes may be subject to disciplinary action, up to and including termination.

## **1205 Social Media Policy**

SETRPC recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if it interferes with the employee's work, is used to harass co-workers or customers, creates a hostile work environment, or harms the goodwill and reputation of SETRPC among its customers or the community at large. SETRPC encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.

**NOTE:** As used in this policy, "social media" refers to blogs, forums, and social networking sites, such as X, Facebook, LinkedIn, and YouTube, among others.

- SETRPC expects all employees will exercise good professional judgment in any use of social media. Only staff authorized by the Executive Director will be allowed to create a social media presence for SETRPC.
- If your posts on social media mention SETRPC, its products or services, employees, customers, and/or competitors, make clear that you are an employee of SETRPC and that the views posted are yours alone and do not represent the views of SETRPC.
- Do not mention the names of SETRPC employees, clients, customers, or partners without their expressed consent. Employees who wish for their names or photos to be excluded from SETRPC social media activities need to notify IT.
- Do not defame or otherwise discredit SETRPC, its employees, clients, customers, or partners.
- Social media activities should not interfere with your duties at work. Please limit use during work hours. SETRPC reserves the right to monitor its facilities to ensure compliance with this restriction.
- Be a scout for compliments and criticism. If you come across positive or negative remarks about SETRPC that you believe are important, consider forwarding them on to the Human Resources Division or your Division Director.
- Do not link to SETRPC's website, use its logo, post agency materials, or agency events on a social media site without written permission obtained from your Division Director or the Executive Director.
- If you list SETRPC as your employer, you are prohibited from posting, following, or liking content of the following nature: sexual, racist, derogatory, discriminatory, promotes illegal activity, compromises safety, or violates legal ownership.

- You are responsible for your actions. Anything you post that can potentially tarnish SETRPC's reputation will ultimately be your responsibility. The SETRPC supports the use of social media, but encourages you to do so properly, exercising sound judgment and common sense.

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

### **1206 Return of Property/Property Damage**

Employees are responsible for all SETRPC property, materials or written information issued to them or in their possession or control. All SETRPC property must be returned by employees on or before their last day of work. Where permitted by applicable law, SETRPC may withhold from an employee's check or final paycheck the cost of any item(s) not returned when required. SETRPC may also take all actions deemed appropriate to recover or protect its property.

Employees are responsible for the care and safekeeping of all SETRPC property assigned to them. Should damage occur to any equipment or other property provided to the employee, the employee is responsible for the cost of repair or replacement.

### **1207 Use of Building and Premises**

Use of the SETRPC building and premises by employees shall be in compliance with law and SETRPC Personnel Policies regarding authorized uses. Any use of SETRPC offices or training space proposed to take place outside of normal working hours must be approved in advance by the Executive Director.

### **1208 Workplace Monitoring / Search of SETRPC Premises**

SETRPC reserves the right to monitor and conduct reasonable searches of any and all aspects of the workplace. This may include the general or random search of any SETRPC owned, leased, or rented property, any electronic devices, equipment, or products created for or on behalf of the SETRPC and/or individual property and other personal items. The Executive Director, of his or her designee, may at any time commence a search. SETRPC property includes all work areas/desks, file cabinets, personal vehicles parked on the property and any personal property on SETRPC premises. Refusal to submit to a search may lead to immediate termination.

## **1300 DISCIPLINE**

### **1301 General**

Employees of the SETRPC serve “at will” and can be dismissed from SETRPC employment at any time, with or without notice, for any reason or no reason. Some of the actions that will result in disciplinary action include but are not limited to:

- Insubordination or displaying a disrespectful and/or inappropriate behavior toward a visitor, employee or supervisor;
- Absent without leave including absences without permission, failure to notify a supervisor of sick leave and repeated tardiness or early departure or for a reason unsatisfactory to SETRPC;
- Endangering the safety of the employee and/or other persons through negligent, reckless or intentional willful conduct;
- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty including any violation of the SETRPC Substance Abuse Policy;
- Misusing or willfully neglecting agency property, funds, materials, equipment or supplies;
- Conviction of a felony;
- Conviction of official misconduct, oppression or perjury;
- Falsification of documents or records;
- Unauthorized use of official information or unauthorized disclosure of confidential information;
- Unauthorized or abusive use of official authority;
- Conducting oneself in any manner which is offensive, abusive or contrary to common decency or morality; carrying out any form of harassment;
- Incompetence, neglect of duty or inadequate job performance;
- Disruptive behavior which impairs the performance of others;
- Willful violation of safety rules or agency policies;
- Other violation of any of the requirements of these Personnel Policies.

The enumeration of these actions is not intended to imply that any SETRPC employee may be dismissed only for cause. No SETRPC employee has a contract or property right in continued employment and cause is not required for termination of employment.

### **1302 Disciplinary Action**

The Executive Director, or his or her designee, may take disciplinary action, including dismissal, against an employee at any time. The severity of the discipline depends upon the nature of the infraction. SETRPC may, but will not necessarily, use a progressive disciplinary system and reserves the right to terminate without moving through such a system.

The progressive discipline system is as follows (if warranted, steps do not necessarily have to fall in order):

- Oral Warnings – given by a supervisor or Director when situations occur that are deemed less serious in nature. Any warnings conveyed should be properly documented.
- Written Reprimand – formal write up done by the employee’s supervisor, provided to the Executive Director once complete and placed in the employee’s disciplinary file.
- Conference with Executive Director – may occur in order to impress upon the employee the importance SETRPC places on the behavior or performance being corrected. A supervisor, Director and/or Human Resources representative may be present.
- Suspension - may be with or without pay, not to exceed 30 days. The suspension may be renewed, after information review of the circumstances, not to exceed 30 days.
- Demotion – circumstances due to an employee’s poor work performance or behavior may warrant demotion reducing the position to a lower grade or reassignment to another job. This may include loss of duties and/or compensation.
- Dismissal – employment is terminated.

Disciplinary action other than oral warnings requires the advance approval of the Executive Director unless an emergency situation exists.

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

Disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotion, pay increase, commendation, or other beneficial personnel action.

Employees under disciplinary action will not be considered for promotion or lateral moves until after the successful completion of any noted disciplinary requirements.

## 1400 SEPARATIONS

### 1401 Types of Separations

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

**Resignation** – voluntary employment separation initiated by an employee. An employee who intends to resign is required to provide his or her supervisor with ten (10) working days advance notice of the resignation. The supervisor shall immediately notify the Human Resources Division. Executive, administrative, and professional employees are expected to provide a minimum of fifteen (15) working days' advanced notice of resignation.

**Retirement** – voluntary employment termination initiated by the employee meeting age and length of service requirements and in good standing with the organization.

- Age 65 – Normal retirement.
- Age 55 and over – With 10 consecutive years of service prior to separation.
- Age 50 and over – With 20 consecutive years of service prior to separation.

See Section 800 Benefits for additional information.

**Reduction in Force** – involuntary employment separation initiated by SETRPC normally related to a need to reduce staffing levels due to the abolishment of a position or due to a lack of funds or lack of work.

**Administrative** - involuntary employment separation initiated by SETRPC for FMLA or other leave purposes. Applies to employees who are unable to return to work after 12 or more weeks. Is not considered a termination for cause and are eligible for rehire.

**Dismissal** – involuntary employment separation initiated by the SETRPC. All employees are employed “at will” and may at any time during their employment, be terminated with or without notice, for any or no reason.

**Disability** – involuntary employment separation initiated by SETRPC. In cases of long-term disability where an employee is unable to return to work for a period of time, which would give rise to the need to fill the position and if no position is available which the employee could perform with or without a reasonable accommodation by SETRPC, the employee will be terminated from employment.

**Death** – in the case of a death of an employee, his or her estate receives all pay due and any earned and payable benefits as of the date of death.



## **1402 Calculation of Separation Pay**

Upon termination from SETRPC employment, an employee will be paid accrued and unused vacation leave up to the maximum allowable accumulation limit unless ineligible for such (see Section 903).

Payment for such leave balances will be included in the employee's final paycheck and will be calculated in the following manner:

1. The total work time and allowable vacation (see section on "Vacation Leave" to determine allowable vacation) and compensatory leave time (for nonexempt employees) will be calculated as the total number of hours for which compensation is due times the employee's hourly rate. Any amount paid for unused vacation or compensatory time will be based on the hourly rate in effect for the employee at the time of termination based on annual salary and a 260-day work year.
2. Unused sick leave shall be forfeited upon termination of employment and the employee shall not be compensated for it.

An employee who terminates employment will receive his or her final paycheck the next pay period and a discharged employee will receive his or her final paycheck within six days of his or her last day of employment.

See Section 903 Vacation Leave for information related to payment for unused vacation leave upon separation.

## **1403 Documentation of Separations**

In a case where an employee resigns, he or she will provide a letter or memo stating the reason(s) for and date of the resignation. In cases where the employee does not give a written notice, the supervisor or Human Resources Division documents the reason(s) for separation. This may be done by letter or memo along with the completion of a purple Personnel Action Form. This form is signed by the supervisor and the Executive Director. The original is kept in the employee's personnel file.

## **1404 Continuation of Group Insurance**

The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) provides individuals with the option of continuing group health and dental insurance coverage, under specified conditions and at the individual's full expense, beyond the date which the insurance would otherwise terminate. Individuals will be provided information regarding COBRA directly from the SETRPC's insurance provider.

## **1500 GRIEVANCES**

### **1501 General**

A complaint/grievance may be filed by an aggrieved employee on one or more of the following grounds: improper application of rules, regulations and procedures; unequal and/or unlawful treatment; improper or inequitable application of benefits; or unreasonable working conditions.

No employee will be penalized or retaliated against, formally or informally, for voicing a complaint with SETRPC or for disagreeing with a grievance decision.

### **1502 Procedure**

**Informal Grievances** - The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she may file a formal, written grievance.

If a supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee may present the problem to the Human Resources Division.

**Formal Grievances** – Formal grievances must be in writing, signed by the employee and presented to the employee's supervisor within 10 working days after the alleged grievance occurred. A statement of the specific remedial action requested by the employee must be included in the written grievance. The written grievance should also specify the date of the informal grievance conference and describe the situation and why it did not result in a satisfactory resolution of the problem.

An employee may be represented throughout the grievance process by a representative of his or her choice.

After being presented with a written and signed grievance, the supervisor will:

1. Notify the Executive Director;
2. Meet with the employee and such other persons as may be necessary to gather the facts;
3. Attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and
4. Communicate the decision to the employee in writing within five working days after receipt of the grievance, sending a copy of the decision to the Executive Director.

If an employee, whose supervisor is someone other than the Executive Director, either receives no written decision from the supervisor within 10 working days from the date the formal grievance was filed, or the employee is not satisfied with the decision, he or she must file a written appeal with the Executive Director within five working days from the date the grievance decision was received or, if no written decision was received, within 10 working days after the

employee filed the formal grievance. The decision of the Executive Director is final except in those cases where the Executive Director is the subject of a grievance.

In any such case, the employee may appeal the Executive Director's decision in writing to the presiding officer of the governing body within five working days of the employee's receipt of the Executive Director's decision. The presiding officer of the governing body may decide the appeal himself or herself within 30 working days following receipt of the appeal or may, during that period, appoint a panel of governing body members to hear the appeal and decide the appeal not later than 30 working days following appointment of the panel. The decision of the presiding officer or of the appeal panel is final.

### **1503 Requirements for Appeal if Dissatisfied**

If the employee is dissatisfied with a decision during the grievance process, he or she must appeal to the next level within the established time period. Failure to appeal within this time period is a determination that the employee is satisfied with the last decision and bars further appeal.

### **1504 Documentation**

Copies of all documentation relating to the grievance will be forwarded to the Executive Director immediately upon conclusion of each step in the grievance process and will be placed in the employee's personnel file.

### **1505 Withdrawal of Complaint**

Upon the written request of the complainant, a complaint may be withdrawn, in part or in full. The withdrawal of a complaint or any part will preclude its refiling or appeal.

### **1506 Unlawful Harassment**

It is the policy of the SETRPC to provide and maintain a work environment that is free of unlawful harassment, exploitation, and intimidation. All employees are expected to comply with this policy. Failure to do so will result in disciplinary action up to, and including, immediate termination.

Per the Equal Employment Opportunity Commission (EEOC), harassment based on race, color, sex (whether or not of a sexual nature), religion, national origin, protected activity (opposition to discrimination or participation in proceedings covered by the anti-discrimination statutes), age or disability is unlawful.

In this section, "sexual harassment" means unwelcome sexual advances, request for sexual favors, or other physical or verbal conduct of a sexual nature (1) that creates a hostile working

environment, or (2) the submission to which is made a term or condition of a person's employment.

Sexually harassing conduct in the workplace may include but is not limited to:

- sexual flirtations, inappropriate touch, advance or proposition(s);
- verbal abuse of a sexual nature;
- graphic or suggestive comments about an individual's dress or body;
- sexually degrading words used to describe an individual;
- display of sexually suggestive objects or pictures;
- sexually oriented jokes, remarks or gestures.

Per EEOC guidance, the same principles concerning sexual harassment apply to all forms of unlawful harassment listed in this section.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including, termination of employment.

### **Reporting Unlawful Harassment**

1. Employees who are subjected to unlawful harassment should immediately report the incident to the Human Resources Division. A report may be oral or written. All employees are authorized to immediately remove themselves from a harassing situation and report to Human Resources. No adverse employment action will occur for such reporting even if it is later determined that the incident does not constitute unlawful harassment. An employee who leaves the job site and reports to Human Resources in an effort to avoid unlawful harassment shall be deemed to be in attendance and on the job.
2. Even if the employee resorts to self-help or the harassment ends, such harassment should still be reported to prevent recurrence or harassment of others.
3. Employees are encouraged to report even a single incident of harassing conduct so that the single incident is not repeated or becomes severe or pervasive.
4. Reports of harassment are treated confidentially to the extent possible. No retaliation of any kind will occur.
5. If the employee is not the target or victim of an incident of harassing conduct, an employee who witnesses an incident of unlawful harassment should report the violation.
6. Any supervisor or director who becomes aware of possible sexual or other unlawful harassment should promptly advise the Executive Director, who will handle the matter in a timely and confidential manner, to the extent possible.

### **Investigations**

1. All complaints will be promptly and thoroughly investigated by the Human Resources staff and management not involved in the alleged incidents.
2. Investigations will be kept confidential to the extent possible.
3. Prompt, immediate corrective action will be taken when it is determined that harassment has occurred.

4. It will generally be the case that corrective action not resulting in dismissal of the employee violating the prohibition against unlawful harassment, will be discussed with the employee who was the victim of such conduct.
5. During the investigation, all steps will be taken to ensure that further harassment does not occur.

### **1507 External Complaints**

Any complaint from an external person or entity against the SETRPC, any employee or contractor/consultant of the SETRPC, should be made in writing and either emailed or mailed to the attention of the Executive Director. The Executive Director will then investigate or assign someone to investigate the incident as soon as possible.

If a department director receives a complaint, a copy of such should immediately be sent to the Executive Director.

### **1508 Whistleblowing**

Employees are encouraged to report improper activities in the workplace. SETRPC does not directly, indirectly, or through contractual agreement, subject an individual to discrimination because the individual reports a violation of any of SETRPC's funding source contracts, law, or regulation to any supervisory authority, or to any appropriate regulatory or law enforcement authority, if the report is made in good faith. Employees who whistle blow can do so without fear of retaliation.

Employees have the duty to comply with all applicable laws and to assist the SETRPC to ensure legal compliance. An employee who suspects a problem with legal compliance is required to report the situation(s) to their supervisor or other appropriate member of Administration, including the Executive Director.

## **1600 JOB DESCRIPTIONS AND PERFORMANCE EVALUATIONS**

### **1601 Job Descriptions**

All positions within the SETRPC will have an established job description. Job descriptions may be periodically reviewed.

### **1602 Requests for Clarification**

In the absence of any request for clarification, each employee is considered to understand the responsibilities assigned to the position that he or she occupies.

### **1603 Performance Evaluations**

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informative, day-to-day basis.

Additionally, supervisory personnel shall conduct a formal written annual performance evaluation and evaluation interview. Performance evaluation records are maintained in each employee's personnel file.

An annual evaluation tool shall be provided for use. The annual evaluation shall be completed and delivered to the Executive Director, or his or her identified designee, on a schedule set forth by the Executive Director.

All employees new to a position will receive a performance review within their first 60 days of employment and a formal performance evaluation upon completion of their first 90 days as detailed in Section 416 Probation Period for Employees.

The Executive Committee shall evaluate the Executive Director's performance annually.

## **1700 PERSONNEL FILES**

### **1701 General**

SETRPC maintains a personnel file on each employee. Personnel records and medical records are maintained by the Executive Director, or his/her designee. Medical records are filed in a confidential file maintained by the Executive Director, or his/her designee.

Certain information in an employee's personnel file is public information and must be disclosed upon request unless specific items are exempted from disclosure by law. No information from any record placed in the employee's file will be communicated to a person, organization, except by the Executive Director or an employee authorized to do so by the Executive Director.

Each employee may choose whether SETRPC discloses their home address and telephone number to the public upon request. If a new employee does not request confidentiality within the first 14 days of employment, the home address and telephone number on file will be considered public information. Employees may change their election for disclosure or confidentiality at any time. This information is maintained in the employee personnel file.

Employees who wish to review their own file should notify the Human Resources Division in writing with their request. With reasonable advance notice, employees may review their own personnel files during normal working hours in SETRPC's Human Resource office and in the presence of a designee appointed by the Human Resources Division or Executive Director.

When a supervisor requires access to the personnel file of an employee under his or her supervision for the handling of personnel matters, the supervisor must obtain authorization from the Executive Director or his or her designee. The supervisor must request to review the file, in writing, from the Executive Director, or his or her designee and must review the file in the Human Resource Office.

A Director may request to review the personnel file of an employee not under his or her supervision if that person applies for a position that will be under his or her supervision. The Director must request to review the file, in writing, and obtain authorization from the Executive Director or his or her designee and must review the file in the Human Resources Office.

Employees are expected to inform Human Resources of any change in, or corrections to information recorded in their personnel files such as home address, telephone number, name, relationship to employee and contact information of person to be notified in case of emergency or other pertinent information.

### **1702 Personnel Action Form (Purple Sheet)**

The SETRPC Personnel Action Form is the official document for recording and transmitting to the personnel file each personnel action. This form is used to promote uniformity in matters affecting:

1. Employment Category
2. Position and Title Classification
3. Pay Group and Rate; and
4. Other Actions Affecting the Employee's Status

The Personnel Action Form is completed for the employee's first day of work and is updated when there is any change in his or her status, which relates to employment or benefits. Each Personnel Action Form becomes a permanent part of the employee's personnel file.

### **1703 Changes to Personal Information**

Employees are expected to update the EWS timekeeping system of any change in, or corrections to information recorded in their personnel file such as name, home address, phone number, email address, contact information of person to be notified in case of emergency, and/or other pertinent information.

### **1704 Leave Records**

Official records of vacation leave and sick leave accrual and of leave usage are kept for each employee by the Chief Financial Officer or his or her designee. Leave records are updated after each payroll. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Leave balances can also be found on individual employee paystubs each pay period and in the EWS timekeeping system.

### **1705 Medical Record Files**

All employees will have a confidential medical record file separate from their personnel file, per federal law. The Human Resources Division maintains these confidential medical files.

SETRPC does not request genetic information from an applicant, employee, or health care provider. SETRPC discourages health care providers from sending genetic information. Any genetic information inadvertently sent to SETRPC will be destroyed or returned to the healthcare provider.

Medical records are confidential, but confidentiality may be waived when an employee provides medical information to a supervisor or Human Resources. When an employee provides information to a supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

Employees must respect the privacy and confidentiality of their coworker's medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors, or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.



## **1800 TRAVEL AND SUBSISTENCE**

### **1801 General**

Employees are to be reimbursed for necessary and reasonable job-related expenses incurred in the authorized conduct of SETRPC business, including business-related travel. All travel expenses are subject to the requirements of documentation and reasonableness and will be honored in conformity with adopted policies and procedures provided that the travel was properly authorized and that funds are available in SETRPC's budget. In some cases, SETRPC may prepay expenses such as registration fees and/or airline or other public transportation costs directly to a vendor.

An employee must submit an expense report within 15 working days following the trip or the claim of reimbursement is forfeited.

Cash advances are allowable and will be issued after travel requests have been submitted and approved by a supervisor. If a cash advance is made prior to a trip, the employee must file an expense report immediately upon his or her return to work and allowable expenses will be used to offset the cash advance. If the employee's cash advance exceeds the allowable trip expenses, the employee must pay the difference to SETRPC with the trip expense report. If a cash advance is not satisfied as complete within 30 days following a trip, cash advances will no longer be available to the employee until cleared for such by the Director of Finance.

Expenses that are not permitted under the terms of grants, contracts or agreements with other agencies will not be charged as costs to those grants, contracts, or agreements.

### **1802 Transportation and Subsistence**

SETRPC will follow state and federal travel allowances, unless otherwise noted. All employee business travel must be approved by department directors in advance.

**In-Region Travel** – All employees are entitled to reimbursement for travel within the SETRPC region when traveling on SETRPC business. Employees must report the most efficient route between destinations based on the employee's local knowledge of weather conditions, known detours, road construction and road conditions, etc. when requesting reimbursement. Reimbursement will be based on the current State of Texas mileage rate.

Travel between an employee's residence and the SETRPC is not eligible for reimbursement. Travel from a starting point and ending point other than the office will be authorized and reimbursable only in two cases as follows and/or as established by state legislative requirements:

1. When it is necessary to travel outside of regular office hours; and
2. When it is more economical for SETRPC if an employee leaves and/or returns to his or her home.

If an employee travels to or from home in any other instance, he or she must deduct the mileage from his or her home to the office.

**Out-of-Region Travel** – All employees conducting business outside of the SETRPC region are entitled to reimbursement for mileage and per diem for trips which do not require an overnight stay. For trips that do require an overnight stay reimbursement for transportation expenses, lodging and per diem are allowable.

**Established Costs** – Employees are provided reimbursement rates by the Administrative Division for items such as mileage, lodging, per diem, etc. applicable to state and federal law. Employees shall endeavor to stay at the most reasonably priced lodging taking into consideration total estimated trip costs including transportation. In the event that more than one employee is traveling to the same destination by automobile, reasonable efforts, if possible, shall be made to share transportation.

The cost of standard accommodation for lodging is subject to state set allowances, except in a hotel where conference occurs or conference recommended hotels. Out-of-state is subject to federal allowances, except in a hotel where conference occurs or conference recommended hotels and the 75% first and last day Meals and Incidental Expense (M&IE) rule.

The cost for meals is subject to state set allowances and compensation is provided to employees as a flat per diem amount established for their destination. Out-of-state is subject to federal allowances, with the exception of the 75% meal and incidental expense rule, which does not apply.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by the SETRPC may not be used for personal use without prior approval by the Executive Director.

Employees on business travel may be accompanied by a family member or friend, with prior approval and at their own expense, when the presence of a companion will not interfere with the successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Expenses arising from such non-business travel are the responsibility of the employee.

Expenses for the Executive Director, or his or her designee, and for SETRPC Officers will be reimbursed, in accordance with state and federal guidelines, to include the actual costs of travel, meals, lodging and other expenses directly related to accomplishing business objectives. Conference hotel exception may also apply. Receipts or a detailed and confirmable justification of costs, if receipts are not available, are required for reimbursement.

Abuse of this business travel policy, including falsifying expense reports to reflect costs incurred by the employee, can be grounds for disciplinary action.

### **1803 Prohibited Expenditures**

Employees may not be reimbursed for expenses of entertainment, guest expenses, amusements, social activities, alcoholic beverages, traffic citations or illegal activities.

## **1900 PROFESSIONAL DEVELOPMENT**

### **1901 General**

SETRPC encourages regular full-time and part-time employees to take advantage of educational or training opportunities and professional memberships which are related to and will enhance the performance of the employee's work with the SETRPC. Individual courses or courses that are part of a degree, licensing or certification program must be related to the employee's current job duties or a foreseeable-future position in the organization to be eligible for assistance.

### **1902 Tuition Reimbursement**

Subject to budgetary approval of the Executive Committee annually, as well as course approval by a Department Director and the Executive Director, regular full-time employees who complete a course at an accredited college or university, which is related to his or her work at the SETRPC may be reimbursed for tuition and applicable fees. In order to be eligible to receive reimbursement for a course, the employee must furnish satisfactory evidence of having completed the course with a grade of B or better. If an employee separates from the SETRPC within one year of the last educational assistance payment, the full amount of education assistance received as of that date will be considered due and will be required to be reimbursed.

The SETRPC will provide instructions for requesting both approval for and reimbursement of approved tuition expenses.

### **1903 Required Attendance at Seminars and Conferences**

When SETRPC requires an employee to attend any educational seminar, conference, or training course, SETRPC will pay for the employee's time, as allowed or required by law. SETRPC will reimburse the employee for associated costs, including registration fees and authorized travel, meals, and lodging expenses. When appropriate, SETRPC may prepay registration fees, hotel costs and/or transportation costs directly to the entity involved. See additional information in Section 1800 Travel and Subsistence.

### **1904 Professional Memberships and Seminars**

Subject to the prior approval of the Executive Director, SETRPC may pay an employee's professional association dues when the association is related to his or her work at SETRPC and is an approved expense by their grantor agency. Also subject to the Executive Director's prior approval, travel expenses to meetings offering special training or information of value and registration and travel expenses for conferences or seminars if the conference or seminar is related to his or her work may be reimbursed.