



Executive Committee | Agenda

10:00 a.m., Wednesday, June 14, 2023
CAPCOG Lantana Room
6800 Burleson Road, Bld. 310, Ste. 155
Austin, Texas 78744

Judge James Oakley, Burnet County, **Chair**
Mayor Lew White, City of Lockhart, **First Vice Chair**
Commissioner Debbie Ingalsbe, Hays County, **Second Vice Chair**
Council Member Matthew Baker, City of Round Rock, **Secretary**
Mayor Jane Hughson, City of San Marcos, **Parliamentarian**
Mayor Brandt Rydell, City of Taylor, **Immediate Past Chair**
Council Member Mackenzie Kelly, City of Austin
Commissioner Clara Beckett, Bastrop County
Mayor Connie Schroeder, City of Bastrop
Council Member Kevin Hight, City of Bee Cave
Judge Brett Bray, Blanco County
Mayor Rachel Lumpee, City of Blanco
Commissioner Joe Don Dockery, Burnet County

Judge Hoppy Haden, Caldwell County
Judge Dan Mueller, Fayette County
Council Member Ron Garland, City of Georgetown
Council Member Esmeralda Mattke Longoria, City of Leander
Commissioner Steven Knobloch, Lee County
Judge Ron Cunningham, Llano County
Mayor Pro Tem Doug Weiss, City of Pflugerville
Council Member Janice Bruno, City of Smithville
Judge Andy Brown, Travis County
Commissioner Ann Howard, Travis County
Commissioner Russ Boles, Williamson County
Commissioner Cynthia Long, Williamson County
Senator Pete Flores
Representative Stan Gerdes
Representative Terry Wilson

1. **Call to Order and opening remarks by the Chair**
2. **Consider Approving Minutes for the May 10, 2023 Meeting**
3. **Consider Adopting Bylaws for CAEDD Committee**
Betty Voights, Executive Director
4. **Consider Approving Update to Personnel Policies**
Andrew Hoekzema, Deputy Executive Director
5. **Consider Authorizing Negotiation of a Contract for CAPCOG Website Redevelopment**
Mason Canales, Public Information Coordinator
6. **Consider Approving Conformance Review of Texas Regional Landfill Company, LP, (Waste Connections) Travis County Type IV Landfill, MSW Permit No. 1841C, Major Modification Application**
Ken May, Regional Programs Manager
Charles Simon, Director, Regional Planning & Services
7. **Consider Accepting and Verifying the Completion of Cybersecurity Awareness Training for All CAPCOG Employees**
Kelly Clafin, Director/CISO
8. **Consider Approving Appointments to Advisory Committees**
Deborah Brea, Executive Assistant
9. **Staff Reports**
Betty Voights, Executive Director
10. **Adjourn**



Executive Committee | Summary Minutes

10 a.m., Wednesday, May 10, 2023
6800 Burleson Road
Building 310, Suite 165
Austin, Texas 78744

Present (16)

Judge James Oakley, Burnet County, **Chair**
Mayor Lew White, City of Lockhart, **1st Vice Chair**
Commissioner Debbie Ingalsbe, Hays County, **2nd Vice Chair**
Council Member Matthew Baker, City of Round Rock, **Secretary**
Mayor Jane Hughson, City of San Marcos, **Parliamentarian**
Mayor Brandt Rydell, City of Taylor, **Immediate Past Chair**

Council Member Mackenzie Kelly, City of Austin
Mayor Connie Schroeder, City of Bastrop
Council Member Kevin Hight, City of Bee Cave
Commissioner Joe Don Dockery, Burnet County
Judge Dan Mueller, Fayette County
Commissioner Steven Knobloch, Lee County
Mayor Pro Tem Doug Weiss, City of Pflugerville
Council Member Janice Bruno, City of Smithville
Commissioner Cynthia Long, Williamson County
Commissioner Russ Boles, Williamson County

Absent (9)

Commissioner Clara Beckett, Bastrop County
Judge Brett Bray, Blanco County
Mayor Rachel Lumpee, City of Blanco
Judge Hoppy Haden, Caldwell County
Council Member Ron Garland, City of Georgetown

Council Member Esme Mattke Longoria, City of Leander
Judge Ron Cunningham, Llano County
Judge Andy Brown, Travis County
Commissioner Ann Howard, Travis County

1. **Call to Order and opening remarks by the Chair**

Judge Oakley called the meeting to order at 10:05 a.m. and led the board in the pledge of allegiance to the state and national flags.

2. **Consider Approving Minutes for the April 12, 2023 Meeting**

Judge Oakley asked for approval of the April 12, 2023 meeting minutes. Mayor Hughson stated she would like the minutes to better reflect a unanimous vote on item 10 in the minutes and then made a motion to approve the minutes with the clarification. Commissioner Dockery seconded the motion. The motion passed unanimously.

3. **Consider Accepting the Quarterly Investment Report**

Silvia Alvarado, Director of Finance

Ms. Alvarado said the quarterly investment report is for the period ending on March 31, 2023. She noted all CAPCOG's funds are in TexPool, and there is about \$30.76 million in the pool. She said the average market interest earned as was about 4.388 percent for total earnings of \$345,109. Ms. Alvarado said by comparison the U.S. Treasury bill interest rate at the end of the same period was 4.89 percent.

A motion was made by Commissioner Ingalsbe to accept the quarterly investment report. Council Member Bruno seconded the motion. The motion passed unanimously.

4. **Consider Accepting the Annual Financial Report of the Capital Area Council of Governments for the Year Ended September 30, 2022**

Silvia Alvarado, Director of Finance

Lupe Garcia, CPA – Audit Partner of Whitley Penn, LLP

Ms. Alvarado introduced Mr. Garcia and told the board there were some changes to the Annual Financial Report that included retirement and leave benefits for part-time employees.

Mr. Garcia said an audit of the agency tested CAPCOG's internal controls and compliance requirements for major programs and performed analytical procedures on financial statements. He said CAPCOG earned an unmodified or clean opinion, meaning the financial statements are presented fairly and are done in accordance with generally accepted accounting principles. Mr. Garcia said Whitley Penn didn't identify any weaknesses or significant deficiencies in their report on internal controls and compliance. Mr. Garcia said there are no questioned costs or findings of noncompliance in their report on federal and state programs. He stated that CAPCOG had total assets of \$44.4 million, liabilities of \$8.7 which included a lease cost of \$3.6 million, with a net position of \$35.7 million. Noting a new item addressed this year, Mr. Garcia said GASB 87 instituted rules for declaring items such as leases as a liability and noted that next year computer software subscriptions will be categorized similarly. He also went over the year ends' fund balances \$2.7 million in the general fund, \$118,000 in the aging fund, \$29.8 million in the emergency communications fund, \$420,000 in non-major funds, with a total fund balance ending at \$33 million.

A motion was made by Mayor Hughson to accept the CAPCOG annual financial report ending Sept. 30, 2022. Commissioner Ingalsbe seconded the motion. The motion passed unanimously.

**5. Consider Adopting a Proclamation Recognizing June 2023 as Alzheimer's and Brain Awareness Month
Patty Bordie, Director of Aging Services**

Ms. Bordie said Alzheimer's is the sixth leading cause of death in the United States and that residents are woefully unprepared to care for the growing number of people who may get Alzheimer's. She said, as part of recognizing national supports for those who have Alzheimer's and other illnesses that impact brain health, CAPCOG and the Area Agency on Aging will shine a light on its and other local organization's supports for such conditions during the awareness month.

A motion was made by Commissioner Long to adopt a proclamation recognizing June 2023 as Alzheimer's and Brain Awareness Month. Mayor Schroeder seconded the motion. The motion passed unanimously.

**6. Consider Projects for Remaining FY 2022-2023 Solid Waste Program Unspent Funding
Charles Simon, Director of Regional Planning and Services**

Mr. Simon said every two years CAPCOG has to determine how to use solid waste unspent grant funds. He said the deadline to spend the money is August 31, and there is an estimated \$100,000 after all projects are completed. Mr. Simon said the staff developed a list of 10 potential project types to be considered for spending the balances and requested the board prioritize the project types as well as remove and add any that it deemed appropriate. He noted the list doesn't include debris clean up from the most recent winter storm and community waste and household hazardous waste collections events already scheduled. Ms. Voights and Mr. Andrew Hoekzema, CAPCOG deputy executive director, explained while discussed previously, the TCEQ was doing a legal review on the possibility of winter storm debris cleanup projects, and it would most likely not approve them. Hoekzema said, the TCEQ could consider projects that have already been completed or are under way as supplanting.

Simon reviewed several project types in detail before Judge Oakley asked him to present them one at time in the program's recommended priority so the board could rank them. The final list contained eight project types. Their priority ranking was as follows:

1. Paying cost overages for projects previously awarded grant funds
2. Paying a portion of a project's match if the match exceeded 20 percent
3. Purchasing solid waste equipment by jurisdictions
4. Funding new community collections events between May 31 and July 31
5. Upgrading cameras for illegal dumping enforcement

6. Developing/purchasing outreach materials
7. Paying for media outreach
8. Conducting disaster debris and other solid waste workshops

A motion was made by Mayor Hughson to approve the project priority list for the remaining FY 2022-23 Solid Waste Program unspent funds as presented by Mr. Simon and prioritized by the board. Commissioner Dockery seconded the motion. The motion passed unanimously.

7. Consider Approving CAPCOG GLO CDBG-MIT MOD

Martin Ritchey, Director of Homeland

Mr. Ritchey said the General Land Office (GLO) Community Development Block Grant (CDBG) Mitigation (MIT) Method of Distribution (MOD) is the last piece of funding from disaster monies started after Hurricane Harvey struck the gulf coast. He said the MIT-MOD is providing \$52 million in regional funding placed into two segments — \$25.1 million is set aside by HUD to support the communities of Fayette County and \$27.1 million was allocated to Bastrop, Caldwell, and Lee counties. Mr. Ritchey said CAPCOG hosted four public meetings, both in-person and virtually, along with key stakeholder meetings to develop the MOD, determine what types of projects would be eligible, and how much money would go to each community. He noted that all the data to support the MOD came from the GLO. Mr. Ritchey said after being approved by the board, letters will be sent to the communities that will receive funding and then they will work directly with the GLO.

Commissioner Dockery asked if road projects needed to be pre-identified in planning documents to receive funding. Mr. Ritchey said planning documents should play a role in determining which road projects should receive this CDBG MIT funding, but communities can still identify areas for mitigation.

A motion was made by Commissioner Long to approve the CAPCOG, GLO CDBG MIT-MOD. Commissioner Boles seconded the motion. The motion passed unanimously.

8. Consider Approving Appointments to Advisory Committees

Deborah Brea, Executive Assistant

Ms. Brea said Council Member Kelly is recommending Nicole Howe for appointment to the Aging Advisory Council. Judge Oakley asked if there were any other appointments from the board.

A motion was made by Commissioner Boles to approve the appointment. Council Member Kelly seconded the motion. The motion passed unanimously.

9. Staff Reports

Betty Voights, Executive Director

Ms. Voights said that the Homeland Security Division will be conducting its two-day regional exercise on cyber security later this month which will open with a seminar featuring state government cyber security professionals. The seminar is meant for local government elected officials and government staff members who would respond to cybersecurity threats.

10. Adjourn

Judge Oakley adjourned the meeting at 10:44 a.m.

Commissioner Debbie Ingalsbe, Secretary
Executive Committee
Capital Area Council of Governments

Date

EXECUTIVE COMMITTEE MEETING

MEETING DATE: June 14, 2023

AGENDA ITEM: #3 Consider Adopting Bylaws for CAEDD Committee

GENERAL DESCRIPTION OF ITEM:

Originally when our council of governments was designated an Economic Development District over 30 years ago by the Economic Development Administration, a non-profit corporation was required and that is no longer the case. Until my discussion with an EDA attorney in February, I assumed the current CAEDD "board" was the board of directors for this corporation but learned it is the Executive Committee that is officially the board of directors. We still need a working committee per EDD requirements, therefore, I prepared a new set of bylaws similar to what are used for our other committees (SWAC, LEEC, etc.) which show the CAEDD is now a "committee" with similar operating rules related to duties, officers, attendance, and so on. The CAEDD Committee, however, has more authority than our other advisory committees in that it must appoint a committee annually to update the CEDS (Comprehensive Economic Development Strategy) regional plan and approve the report of performance as well as to produce a new CEDS every five years and adopt it before it is submitted to EDA. It will continue to require membership based on economic development interest groups (workforce, manufacturing, education, economic development organizations, public officials and others relevant to the region) but the membership ratification will be on the same rotation as the other CAPCOG committees which are on the Executive Committee's January agenda of even-numbered years.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER: **Betty Voights, Executive Director**

BUDGETARY IMPACT:

Total estimated cost: N/A

Source of Funds: N/A

Is item already included in fiscal year budget? Yes No

Does item represent a new expenditure? Yes No

Does item represent a pass-through purchase? Yes No

If so, for what city/county/etc.? _____

PROCUREMENT:

N/A

ACTION REQUESTED:

Adopt bylaws for the CAEDD Committee

BACK-UP DOCUMENTS ATTACHED:

1. Proposed new bylaws

BACK-UP DOCUMENTS NOT ATTACHED:

None

Bylaws
Capital Area Economic Development District Committee
of the
Capital Area Council of Governments

Article I – Purpose and Responsibilities

The Capital Area Council of Governments was designated the Capital Area Economic Development District by the Economic Development Administration, US Department of Commerce in 1989. The purpose of the Economic Development District is to lead locally-based, regionally driven economic development planning and serve as a coordinating mechanism for collaboration that will guide the economic prosperity and resiliency of the region.

The primary responsibilities of the CAEDD are:

1. To promote economic growth in Texas State Planning Region 12;
2. To coordinate economic development planning with transportation planning, community development programs, job training programs, and other programs and activities that might stimulate the region's economic betterment;
3. To develop, adopt and maintain a Comprehensive Economic Development Strategy (CEDS) as a regionally-owned plan designed to:
Supports economic development goals of communities,
Promotes employment opportunities for all residents, and
Creates a foundation for business growth throughout the region.

Article II- Membership

Membership Qualifications

1. Members must be residents of State Planning Region 12 and represent interest groups traditionally involved in assessing, planning, implementing and coordinating the regional economic development activities including but not limited to workforce development, business associations, utilities, transportation, higher education, housing, growth management, and local government.
2. The CAEDD committee is composed of 30 voting members not including the Executive Committee liaison who is not a voting member. The membership must have minority representation reflective of the population of the area served.

Appointment and Term

1. Candidates meeting the membership qualifications specific to interest groups for the purposes of accomplishing the purposes of the Committee may be added to the roster by the CAPCOG executive director at any time during the year to fill a vacancy or replace a member. A member may continue to serve if in good standing and as long as the member continues to represent the interest group for which the member was appointed.
2. All members of the CAEDD Committee shall be ratified by the Executive Committee at its first meeting of even-numbered years.

3. The first regular meeting of the calendar year, the Committee shall appoint a CEDS Committee to perform the requisite annual review and update of the CEDS.

Attendance and Vacancy

1. The CAEDD Committee conducts four regular quarterly meetings per year and may conduct additional meetings of the entire Committee, the CEDS Committee, or project work groups. Members are expected to attend all regular meetings but must attend a minimum of two quarterly meetings to be in good standing; participation on the CEDS Committee may substitute for one absence.
2. A member may be removed for good cause by the CAPCOG Executive Committee.
3. Committee members should maintain objectivity and professionalism when carrying out the business of the Committee and will not discriminate based on race, color, religion, sex, national origin, age, disability, sexual orientation, or gender identity. In the event a Committee member acts in a manner which brings the work of the Committee into question or controversy, it shall be the responsibility of the CAPCOG Executive Director to address the incident with the member and determine if member will remain in good standing.

Article III - Officers

1. The election of the Chair and Vice Chair will occur at the first meeting of even numbered years after membership is ratified by the Executive Committee.
2. In the event either Officer is unable to complete his/her term, the Committee will elect a replacement at the next meeting to serve the remainder of the term.
3. The Chair shall preside at all meetings, establish quorum at each meeting, and shall have the authority to break a tie vote.

Article IV – Meetings

Regular

At the final regular meeting of each year, the Committee will set the dates for the regular meetings to be held quarterly in the upcoming calendar year.

CEDS Committee

The CEDS Committee shall establish a schedule to review and recommend amendments to the CEDS to be completed by the second quarterly meeting of the CAEDD Committee.

Special Work Groups

The Committee may appoint work groups for activities that support its purpose and responsibilities.

Article IV - Amendments

The CAPCOG Executive Committee may amend these bylaws at any meeting as appropriate or determined necessary related to changes in state or federal laws, program funding, funding agency rules and regulations, or for purposes determined by the CAPCOG Executive Committee or its Executive Director. The CAEDD Committee may recommend or request amendments to be considered by the Executive Director and the Executive Committee.

EXECUTIVE COMMITTEE MEETING

MEETING DATE: June 14, 2023

AGENDA ITEM: #4 Consider Approving of Update to Personnel Policies

GENERAL DESCRIPTION OF ITEM:

Staff is proposing a number of relatively minor updates to the personnel policies to clarify various issues, increase flexibility for either staff or management in some key areas that have come up in recent years since the policy was last amended in 2019, and incorporate references to ancillary administrative policies that have been developed and which are relevant to employer-employee relations. This item is being brought to the board for consideration in June, because one of the proposed changes would affect employees who are hired or have a salary change in the three months prior to the start of the fiscal year, so it would be best to consider this prior to July 1. We believe that these updates will help improve employee satisfaction and improve management's ability to address an array of issues that arise from time to time that may not be explicitly addressed in these policies.

Updates to the policy include:

1. Clarifications regarding probationary periods;
2. Changes to how across-the-board market adjustments to salaries are handled;
3. Added flexibility for start dates of insurance plans;
4. Changes and clarifications to leave time rules;
5. Changes to expectations when an employee resigns;
6. Added references to ancillary administrative policies and other miscellaneous clarifications.

The attached memo elaborates on each of these changes.

This is a relatively limited update based on issues that have been discussed extensively among management over the past year, but we expect a more comprehensive review and update of these policies to be brought back sometime next year once we are fully staffed in the Human Resources position and they have had a chance to incorporate new laws and otherwise do a more comprehensive review.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER: **Andrew Hoekzema, Deputy Executive Director**

BUDGETARY IMPACT:

Total estimated cost: n/a

Source of Funds: n/a

Is item already included in fiscal year budget? Yes No

Does item represent a new expenditure? Yes No

Does item represent a pass-through purchase? Yes No

If so, for what city/county/etc.? _____

PROCUREMENT: n/a

ACTION REQUESTED:

Approve proposed updates to CAPCOG's Personnel Policies and authorize other non-substantive clerical and formatting as necessary

BACK-UP DOCUMENTS ATTACHED:

1. Memo summarizing proposed changes to CAPCOG Personnel Policies
2. Draft Update to Personnel Policies

BACK-UP DOCUMENTS NOT ATTACHED *(to be sent prior to meeting or will be a handout at the meeting):*

None



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**BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS
WILLIAMSON**

MEMORANDUM

May 26, 2023

TO: Executive Committee

FROM: Andrew Hoekzema, Deputy Executive Director

RE: Summary of Proposed Personnel Policy Updates

The proposed updates to CAPCOG's personnel policies are relatively limited in scope, but should improve clarity, flexibility, and effectiveness, and otherwise should enhance employee-employer relations at CAPCOG. The changes fall into the following categories:

1. Clarifications regarding probationary periods;
2. Changes to how across-the-board market adjustments to salaries are handled;
3. Added flexibility for start dates of insurance plans;
4. Changes and clarifications to leave time rules;
5. Clarifying expectations when an employee resigns; and
6. Added references to ancillary administrative policies and miscellaneous clarifications.

Clarifications regarding probationary periods

Changes to sections 5.03, 6.07, and 6.08 are intended to clarify that while new employees are restricted from using annual leave and personal holidays within their initial probationary period, existing employees who have a probationary period due to a promotion or a lateral transfer are not subject to that same restriction, and that not all employees who are promoted or laterally transferred are necessarily subject to a 90-day probationary review at all. A clarification was added to Section 13.01 to help reinforce the point that CAPCOG's decision to use a progressive disciplinary process outside of a probationary period does not change the at-will relationship between CAPCOG and its employees.

Changes to how across-the-board market adjustments to salaries are handled

CAPCOG's current policy on across-the-board raises is found in section 6.05, and states that if the board approves an across-the-board pay increase, "each individual employee's salary is adjusted by the authorized percentage or flat dollar increase." In practice, this has meant that CAPCOG has increased every single employees' pay rate effective October 1, even if an employee started employment or otherwise received a raise a few days prior to the start of the new fiscal year.

The proposed update would exclude any employee from an across-the-board raise if they were hired within three months of the effective date of the across-the-board raise or if their salary was otherwise adjusted within that same three-month period, since those salaries would have already priced in any existing market conditions, and the real purpose of these type of raises is to account for year-over-year changes in market conditions. This change will also alleviate one of the management challenges regarding the appropriate timing of when to bring a new employee on board or for a permanent pay increase. This change would not preclude consideration for pay adjustments for such individuals on any other basis. CAPCOG did have a similar policy in place in 2017 that was then removed in 2018, but that policy only addressed new hires and also included a more complex prorating of new employees hired between 3-6 months before the start of the fiscal year.

Added flexibility for start dates of insurance plans

CAPCOG offers permanent employees who work at least 20 hours a week medical, dental, and vision insurance coverage, as well as a \$50k life insurance policy and long-term disability insurance at 60% of the employee's salary at no cost to the employee. This is described briefly in section 8.01 of the Personnel Policies, which states that such employees are eligible to participate "upon employment." This means that employees have access to these benefits on day one of their employment at CAPCOG, which differs from many employers, who may have benefits go into effect the first day of the following calendar month or later. While we don't have any specific plans to change this, and there are a number of good reasons to leave it in place, the wording constrains management's ability to even consider alternatives. This came up within the last year when TML changed the way it handles billing for coverage in an employee's 1st month and offered agencies the opportunity to make this change, but CAPCOG was unable to even consider it due to the personnel. The recommended change simply adds "subject to any administrative restrictions in CAPCOG's approved benefit plans," since those plans ultimately govern the rules for enrollment for a given year. As a point of clarification, this section is also being amended to clarify that long-term disability coverage is also provided for.

Changes and clarifications to leave time rules

A number of changes are being proposed to the Section 9.00 – Leave Time and 10.00 - Holidays. These include:

1. In section 9.01, updating the definition of "holidays" to "agency holidays" to better differentiate such days when the agency is closed from personal holidays, when the agency is not closed, and clarifying that Section 10.01 does not involve the Executive Committee designating specific days as agency holidays.
2. In section 9.03.01, clarifying that annual leave accrual starts upon employment, not at 1 year under section 9.03.01;
3. In section 9.03.02, elimination of a 48-hour limit on the amount of leave that an employee could add to their annual leave balance from one year to the next up to 240 hours, and clarifying that the 240 hour limit will be applied based on the last paycheck of the year rather than the last calendar day of the year;
4. In section 9.03.03, advancing the date when employees be paid for unused annual leave to 90 days after their start date rather than 1 year in order to provide more of an incentive for employees to give their full 2-week or 3-week notice;
5. In section 9.10, "Administrative Leave," allowing for administrative leave to be used for any circumstances not explicitly provided for in the personnel policies, not only unforeseen circumstances;
6. Section 9.12 is updated to incorporate guidance previously administratively issued explaining that while sick leave cannot be used for annual leave purposes when annual leave is exhausted, any available

annual leave or personal holidays must be used to cover any sick leave if an employee has exhausted their sick leave balance before an employee can qualify to request leave without pay.

7. In section 10.01, clarifying that there are a total of 12 paid holidays, including 10 agency-wide holidays when the agency is closed;
8. Elsewhere in section 10, updating “holiday” to “agency holiday” to clarify the applicability of various policies;
9. Consolidating sections 10.04 and 10.05 to eliminate optional holidays and instead have two personal holidays (currently there are one of each), and to clarify that part of the purpose of a personal holiday is to allow the employee to take holidays not provided for on the agency holiday list. This will provide added flexibility and clarity in employees’ ability to take off on holidays that may be of significance to them but which may not have been identified the prior year when the leave calendar was approved and help differentiate a personal holiday from annual leave. Under current practice, CAPCOG allows employees to choose one of nine optional holidays and requires that the leave be requested at least 1 month in advance, whereas a personal holiday can be used any work day and do not have to be requested so far in advance.

Changes to expectations when an employee resigns

Under section 14.02, employees are expected to give either 10 or 15 days notices in advance of the effective date of their resignation, with 15 days required for positions “with program management responsibilities.” The only material consequence to an employee for giving less than the required leave is that they are not eligible to get paid for unused leave without explicit permission from the Executive Director. There have been several situations when there was confusion over the notice requirement and expectations once an employee submits a resignation notice. Updates to sections 14.02 and 14.08 are intended to clarify these expectations.

Added references to ancillary administrative policies and miscellaneous clarifications and corrections

Over time, CAPCOG has administratively adopted a number of personnel-related policies beyond the personnel policy document, and including a direct reference to these policies and CAPCOG’s authority to update these policies without going to the board would help ensure that all personnel-related policies are linked and synchronized. Some of these policies are already mentioned or alluded to in this document, while others are not, so we are proposing adding a catch-all section specifically intended to capture all of these documents.

1. Business Continuity Plan;
2. Building Use Guidelines;
3. Dress Guidelines;
4. Drug and Alcohol Abuse Policy;
5. Facility Security Guidelines;
6. Ethics Policy;
7. Guideline for Compensatory Time;
8. Guideline for Hiring Interns;
9. Guideline for Completing Timesheets for Holidays and Condensed or Part-Time Schedules;
10. Health Information Privacy Policy;
11. Procedures after Sick leave is Exhausted;
12. Stipend Policy;
13. Telecommuting Policy; and
14. Travel Policy.

There is also an addition to section 4.02 to include temp-to-hire situations. These usually overlap with competitive postings, but this addition helps clarify this as a viable option independent of a public posting.

As needed, we are also seeking authorization to make other non-substantive clerical and formatting corrections and clarifications.



Capital Area Council of Governments PERSONNEL POLICIES

Adopted May 1, 1997

Last Amended June 14, 2023

Contents

SECTION 1: ABOUT CAPCOG	7
SECTION 2: GENERAL POLICIES	7
2.01: AUTHORITY.....	7
2.02: AT-WILL EMPLOYMENT	7
2.03: RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES	7
2.04: PURPOSE.....	7
2.05: APPLICABILITY OF PERSONNEL POLICIES	8
2.06: DISSEMINATION OF PERSONNEL POLICIES	8
2.07: EQUAL EMPLOYMENT OPPORTUNITY	8
2.08: AFFIRMATIVE ACTION.....	8
2.09: HARASSMENT	8
2.09.01: <i>Sexual Harassment</i>	9
2.10: AMERICANS WITH DISABILITIES ACT.....	10
2.11: DEFINITIONS	10
SECTION 3: EMPLOYEE RESPONSIBILITIES	11
3.01: EXPECTATIONS OF EMPLOYEES	11
3.02: PROFESSIONAL APPEARANCE	11
3.03: TIMELINESS AND ATTENDANCE	11
3.04: OUTSIDE ACTIVITIES	11
3.05: GIFTS.....	11
3.06: CONFLICT OF INTEREST.....	12
3.06.01: <i>Disclosure of Potential Conflict of Interest</i>	12
3.06.02: <i>Prohibited Conduct</i>	12
3.07: POLITICAL ACTIVITY	12
3.08 COMMUNICATIONS	13
3.09 ELECTRONIC COMMUNICATIONS	13
3.10 SOCIAL MEDIA.....	14
3.10.01: <i>Purpose</i>	14
3.10.02: <i>Definition</i>	15
3.10.03: <i>Official Use of Social Media</i>	15
3.10.04: <i>Personal Use of Social Media</i>	15
3.10.05: <i>Behavior on Social Media Sites</i>	15
SECTION 4: EMPLOYMENT PRACTICES	16
4.01: RESPONSIBLE AGENT FOR APPOINTMENT.....	16
4.02: METHODS OF RECRUITMENT AND SELECTION	16
4.03: PUBLIC ANNOUNCEMENTS.....	16
4.04: QUALIFICATIONS	16
4.05: AGE REQUIREMENTS	16
4.06: APPLICATION FOR EMPLOYMENT.....	17
4.07: CONSIDERATION OF CURRENT EMPLOYEES	17
4.08: EMPLOYMENT OF RELATIVES (NEPOTISM).....	17
4.09: TESTING	18
4.10: EMPLOYEE MEDICAL RECORDS.....	18
4.11: VERIFICATION OF ELIGIBILITY TO WORK.....	18

4.12: DISQUALIFICATION	18
4.13: BACKGROUND CHECKS	19
4.14: RELOCATION ASSISTANCE	19
SECTION 5: TYPES OF EMPLOYMENT	19
5.01: CATEGORIES.....	19
5.02: ASSIGNED STAFF	20
5.03: PROBATIONARY PERIOD	20
SECTION 6: EMPLOYEE COMPENSATION AND ADVANCEMENT.....	21
6.01: PAY.....	21
6.02: CHECK DELIVERY	21
6.03: PAYROLL DEDUCTIONS	21
6.04: MERIT PAY	21
6.05: ACROSS-THE-BOARD PAY INCREASES.....	21
6.06: PROMOTIONS	22
6.07: LATERAL TRANSFERS.....	22
6.08: DEMOTIONS.....	22
6.09: PAY CLASSIFICATION SYSTEM	22
6.10: APPROVING AUTHORITY.....	22
SECTION 7: WORK SCHEDULE AND TIME REPORTING.....	22
7.01: WORKWEEK AND WORK HOURS	22
7.02: SCHEDULE ADJUSTMENTS	23
7.03: NUMBER OF HOURS WORKED.....	23
7.04: OVERTIME WORKED	23
7.05: FLSA OVERTIME COMPENSATION	23
7.06: FLEXIBLE WORK HOURS AND LOCATION	24
7.06.01: Flexible Work Hours.....	24
7.06.02: Telecommuting.....	24
7.07: HOLIDAYS WORKED	24
7.08: LEAVE OR HOLIDAYS TAKEN AND OVERTIME.....	24
7.09: TIME REPORTING	25
7.10: BREAKS	25
7.10.01: Breastfeeding Breaks.....	25
SECTION 8: BENEFITS.....	25
8.01: MEDICAL, LIFE, LONG-TERM DISABILITY, VISION, AND DENTAL	25
8.02: RETIREMENT PLAN.....	25
8.03: WORKERS' COMPENSATION.....	25
8.04: SOCIAL SECURITY AND MEDICARE	25
8.05: UNEMPLOYMENT INSURANCE	25
8.06: LEAVE TIME.....	26
SECTION 9: LEAVE TIME	26
9.01: DEFINITIONS	26
9.02: APPROVAL OF LEAVE	26
9.03: ANNUAL LEAVE	26
9.03.01: Annual Leave Accrual.....	26
9.03.02: Accumulation of Annual Leave	26
9.03.03: Payment for Unused Annual Leave Upon Separation.....	27
9.03.04: Scheduling Annual Leave	27

CAPCOG Personnel Policies, June 14, 2023

9.04: SICK LEAVE	27
9.04.02: <i>Accrual of Sick Leave</i>	27
9.04.04: <i>Notification Requirements</i>	28
9.04.05: <i>Verification</i>	28
9.04.06: <i>Accumulation of Sick Leave</i>	28
9.04.07: <i>Exhaustion of Sick Leave</i>	28
9.04.08: <i>Illness While on Annual Leave</i>	29
9.04.09: <i>Donation of Sick Leave</i>	29
9.04.10: <i>Payment for Unused Sick Leave Upon Separation</i>	29
9.05: FAMILY AND MEDICAL LEAVE	29
9.05.01: <i>Eligible Employees</i>	29
9.05.02: <i>Calculation of 12-Month Period</i>	30
9.05.03: <i>Reasons for Family or Medical Leave</i>	30
9.05.04: <i>Entitled to 12 Weeks of Unpaid FMLA</i>	30
9.05.06: <i>Entitled to a Total of 26 Weeks of Unpaid FMLA</i>	30
9.05.07: <i>Definition of Family Members Specifically for FMLA</i>	31
9.05.08: <i>Intermittent Leave or Reduced Work Schedule</i>	31
9.05.09: <i>Use of Paid and Unpaid Leave</i>	32
9.05.10: <i>Employee Notice to CAPCOG</i>	32
9.05.11: <i>CAPCOG Notice to Employee</i>	32
9.05.12: <i>Certification of Serious Medical Condition or Need for Family Care</i>	32
9.05.13: <i>Second, Third Opinions</i>	33
9.05.14: <i>Return to Work</i>	33
9.05.15: <i>Employee Status and Benefits While on FMLA Leave</i>	34
9.05.16: <i>Restoration to Work</i>	34
9.05.17: <i>Request for Extension of Family or Medical Leave</i>	34
9.05.18: <i>Documentation</i>	35
9.05.19: <i>Additional Information</i>	35
9.06: MILITARY LEAVE.....	35
9.06.01: <i>Notice Period</i>	35
9.06.02: <i>Additional Information</i>	35
9.07: CIVIL LEAVE	36
9.08: BEREAVEMENT LEAVE	36
9.09: LEAVES OF ABSENCE WITHOUT PAY	36
9.09.01: <i>Revocation of Leave Without Pay</i>	36
9.09.02: <i>Authorized Reasons for Leave Without Pay</i>	36
9.09.03: <i>Conditions</i>	37
9.09.04: <i>Reporting Requirements</i>	37
9.09.05: <i>Return to Work After Leave Without Pay</i>	37
9.10: ADMINISTRATIVE LEAVE	37
9.11: INJURY LEAVE.....	37
9.12: USING LEAVE IN COMBINATION	37
9.13: ABANDONMENT OF POSITION	38
SECTION 10: HOLIDAYS.....	38
10.01: GENERAL POLICY.....	38
10.02: HOLIDAY DURING ANNUAL LEAVE AND FMLA LEAVE.....	38
10.03: WORK DURING HOLIDAYS	38
:	39
10.04: PERSONAL HOLIDAY.....	39
SECTION 11 HEALTH AND SAFETY	39

CAPCOG Personnel Policies, June 14, 2023

11.01	WORKPLACE VIOLENCE	39
11.01.01	.....	39
11.01.02	.....	39
11.01.03	.....	39
11.01.04	.....	39
11.01.05	.....	40
11.01.06	.....	40
11.02:	DRIVING ON CAPCOG BUSINESS	40
11.02.01	.....	40
11.02.02	.....	40
11.02.03	.....	40
11.02.04	.....	40
11.02.05	.....	40
11.02.06	.....	41
11.03:	ON-THE-JOB INJURIES	41
11.03.01:	<i>Insurance</i>	41
11.03.02:	<i>Medical Attention</i>	41
11.03.03:	<i>Initiation of Injury Leave</i>	41
11.03.04:	<i>Compensation</i>	41
11.03.05:	<i>Duration of Injury Leave</i>	42
11.03.06:	<i>Termination of Injury Leave</i>	42
11.03.07:	<i>Continuation of Health Benefits</i>	42
11.03.08:	<i>Reporting Requirements</i>	42
11.03.09:	<i>Return to Service</i>	42
11.03.10:	<i>Light Duty Status</i>	43
11.03.11:	<i>Final Release or Settlement</i>	43
11.04:	TOBACCO-FREE WORKPLACE	43
11.05:	DRUG-FREE WORKPLACE	43
11.06:	FIREARMS	44
11.07:	REASONABLE SEARCHES OF CAPCOG PREMISES	44
11.08:	EMPLOYEE SUGGESTIONS	44
SECTION 12:	CAPCOG PROPERTY	44
12.01:	GENERAL POLICY	44
12.02:	USE OF TOOLS, EQUIPMENT, AND PROPERTY	44
12.03:	USE OF BUILDINGS AND PREMISES	45
SECTION 13:	DISCIPLINE	45
13.01:	GENERAL	45
13.02:	PROGRESSIVE DISCIPLINE	45
SECTION 14:	SEPARATIONS	46
14.01:	TYPES OF SEPARATIONS	46
14.02:	RESIGNATION	47
14.03:	RETIREMENT	47
14.04:	REDUCTION IN FORCE	47
14.05:	DISMISSAL	47
14.06:	LONG-TERM ABSENCE	48
14.07:	DEATH	48
14.08:	CALCULATION OF SEPARATION PAY	48
14.09:	DOCUMENTATION OF SEPARATIONS	48
14.10:	CONTINUATION OF GROUP HEALTH BENEFITS	48

14.11: EMPLOYMENT REFERENCES	49
SECTION 15: GRIEVANCES	49
15.01: PROCEDURE	49
15.01.01: <i>Informal Grievances</i>	49
15.01.02: <i>Formal Grievances</i>	49
15.01.03: <i>Grievances Relating to Sexual Harassment or Harassment Based on Protected Characteristics</i>	50
15.01.04: <i>Requirement for Appeal if Dissatisfied</i>	50
15.01.05: <i>Documentation</i>	50
SECTION 16: JOB DESCRIPTIONS AND PERFORMANCE EVALUATIONS	50
16.01: JOB DESCRIPTIONS.....	50
16.02: REQUESTS FOR CLARIFICATION	50
16.03: EMPLOYEE PERFORMANCE EVALUATIONS.....	50
SECTION 17: PERSONNEL FILES AND MEDICAL RECORD FILES	50
17.01: GENERAL.....	50
17.02: PERSONNEL ACTION NOTICE	51
17.03: CONTENTS OF PERSONNEL FILES	51
17.04: LEAVE RECORDS.....	51
17.05: MEDICAL RECORDS FILES.....	52
SECTION 18: TRAVEL AND SUBSISTENCE.....	52
18.01: GENERAL POLICY.....	52
18.02: TRANSPORTATION AND SUBSISTENCE	53
18.02.01: <i>In-Region Travel</i>	53
18.02.02: <i>Out-of-Region Travel</i>	53
18.02.03: <i>Established Costs</i>	53
SECTION 19: PROFESSIONAL DEVELOPMENT	53
19.01: GENERAL POLICY.....	53
19.02: TUITION REIMBURSEMENT	53
19.03: REQUIRED ATTENDANCE AT SEMINARS AND CONFERENCES.....	53
19.04: PROFESSIONAL MEMBERSHIPS AND SEMINARS.....	54
19.05: PROFESSIONAL DEVELOPMENT REPAYMENT POLICY.....	54
19.05.01: <i>General Policy</i>	54
19.05.02: <i>Repayment Period</i>	54
SECTION 20: OTHER ADMINISTRATIVE POLICIES	54

SECTION 1: ABOUT CAPCOG

The Capital Area Council of Governments (CAPCOG) is a voluntary association of cities, counties, and special governmental districts encompassing the 10-county State Planning Region 12. The region spans 8,480 square miles.

The Capital Area Council of Governments ("CAPCOG") is a regional planning commission and political subdivision of the State of Texas organized and operating under chapter 391 of the Local Government Code since it was formed by local governments in 1970. CAPCOG is a voluntary association working as a regional advocate, planner, coordinator and service provider for State Planning Region 12.

The CAPCOG mission statement is:

We continue to strengthen the Capital of Texas ten-county region by supporting urban and rural local governments through coordination, collaboration, and sharing of ideas and resources.

The local governments, which created CAPCOG, operate the council through a General Assembly that adopts budgets, establishes bylaws, and elects an Executive Committee. The Executive Committee governs the day-to-day activities of CAPCOG, establishes *Personnel Policies*, and appoints and may remove the Executive Director. The Executive Director appoints and may remove all other employees.

SECTION 2: GENERAL POLICIES

2.01: AUTHORITY

The governing body of CAPCOG establishes these *Personnel Policies*. The governing body may amend these *Personnel Policies* at any time, with or without notice to CAPCOG's employees. The Executive Director may issue oral or written interpretations or clarifications of the *Personnel Policies* and employees shall comply with these interpretations.

Employees are encouraged to make recommendations in writing to the Executive Director at any time with regard to modifications or additions they wish to be considered when personnel policy is amended or revised.

The provisions of these *Personnel 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 parts of provisions, which shall remain in force and effect.

2.02: AT-WILL EMPLOYMENT

All CAPCOG employees are employed at-will by CAPCOG, within the provisions of state and federal law regarding public employment, and may be dismissed from CAPCOG employment at any time, with or without notice, for any reason or no reason not prohibited by law. These *Personnel Policies* do not alter the at-will employment relationship, they do not constitute an employment contract with CAPCOG, and they do not guarantee any employee's continued employment with CAPCOG.

2.03: RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES

The Executive Director is the chief executive officer of CAPCOG and is responsible for the formulation of personnel procedures and the administration of Personnel Policies and procedures. The Executive Director may delegate authority to appropriate staff members to act in his or her behalf in the administration of these Personnel Policies and procedures.

2.04: PURPOSE

These *Personnel Policies* set forth the primary rules governing employment with CAPCOG and inform employees of the benefits and obligations of employment with CAPCOG. They have been prepared and

adopted in order to promote consistent, equitable, and effective practices by both employees and supervisors, which will result in high quality public service to the CAPCOG membership.

2.05: APPLICABILITY OF PERSONNEL POLICIES

These Personnel Policies apply equally to all employees of CAPCOG unless a class of employees is specifically exempted by these Personnel Policies or by written agreement with CAPCOG.

In cases where federal or state laws or regulations superseded local policy for specific groups of employees, such laws or regulations will substitute for these Personnel Policies only insofar as necessary for compliance.

2.06: DISSEMINATION OF PERSONNEL POLICIES

The Executive Director or his or her designee shall be responsible for maintaining the official set of the Personnel Policies with all amendments for reference by employees. In addition, the Executive Director or his or her designee will provide or make available electronically a complete copy of these Personnel Policies and copies of all amendments to each employee. If a question arises about a particular policy, the official set of Personnel Policies maintained by the Executive Director or his or her designee should be consulted and shall control.

Employees are required to read these Personnel Policies carefully and to adhere to the rules and regulations stated herein, including any amendments approved by the governing body. Within two weeks of employment, every employee is required to sign an acknowledgment of having read and understood the Personnel Policies. Likewise, within one week of receiving an amendment to these Personnel Policies, every employee is required to sign an acknowledgment of having read and understood the amendment.

2.07: EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of CAPCOG to prohibit discrimination based on race, age, sex, sexual orientation, gender identity, religion, color, disability, military or veteran status, genetic information, or national origin against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration. Personnel decisions will be made only on the basis of occupational qualifications and essential job-related factors such as skill, knowledge, education, experience, and ability to perform a specific job.

CAPCOG prohibits retaliation or discrimination against any employee for opposing an unlawful or discriminatory employment practice, or for alleging or participating in an investigation of alleged discrimination.

2.08: AFFIRMATIVE ACTION

CAPCOG will take affirmative action to see that applicants are employed, and employees are treated during their employment, without discrimination based on race, age, sex, sexual orientation, gender identity, religion, color, disability, military or veteran status, genetic information, or national origin. In addition, CAPCOG will seek actively to include qualified members of minority groups, women, persons with disabilities, and veterans in applicant pools.

2.09: HARASSMENT

CAPCOG believes employees are entitled to a workplace free of unlawful harassment by management, co-workers, citizens, and vendors.

Harassment of employees due to their race, age, sex, sexual orientation, gender identity, religion, color, disability, national origin, military or veteran status, or genetic information by fellow employees and nonemployees is demeaning to both the victim and CAPCOG. It can result in high turnover, absenteeism, low morale and productivity, and an uncomfortable atmosphere to work in. CAPCOG employees who fail to comply with this policy will be subject to disciplinary action up to and including dismissal.

Harassment is unlawful when it results in the loss of tangible job benefits or is severe or pervasive enough to create a hostile or intimidating work environment. Harassing behavior includes, but is not limited to, negative stereotyping; offensive jokes; racial or ethnic slurs; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be reasonably perceived by others as offensive also constitute harassment.

2.09.01: Sexual Harassment.

Sexual harassment is unwelcome and offensive sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual nature (1) that create a hostile working environment, (2) the submission to which is made a term or condition of a person's employment, or (3) the submission to or rejection of which is used as a basis for employment decisions affecting the person.

It is illegal and against CAPCOG's policy for an employee to harass another employee or to create a hostile working environment by either committing or encouraging:

1. Physical assaults on another employee, including, but not limited to, rape, sexual battery, molestation, or attempts to commit these assaults; or
2. Intentional physical contact that is sexual in nature, including but not limited to, touching, pinching, patting, or brushing up against another employee's body; or
3. Unwanted sexual advances, propositions, or sexual comments, including making sexual gestures, jokes, or comments made in the presence of any employee who has indicated that such conduct in his or her presence is unwelcome; or
4. Posting or displaying pictures, posters, calendars, graffiti, objects, or other materials that are sexual in nature or pornographic.

CAPCOG encourages employees who believe they are being subjected to conduct prohibited by this policy and who feel comfortable doing so, to promptly advise the offender that the conduct or behavior is unwelcome and request that it be discontinued. Often this action will resolve the problem. CAPCOG requires that all employees report perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately.

Complaints may be made to the immediate supervisor, personnel officer, or the Executive Director. When a complaint is made the Executive Director must be notified immediately. The Executive Director, or his or her designee, will conduct an immediate investigation in as confidential a manner as possible, including questioning all employees who may have knowledge of either the incident in question or other relevant knowledge. If the Executive Director is alleged to be involved in the harassment, the incident will be reported to the Chair of the Executive Committee, who will conduct the investigation or will delegate the investigation. The investigation will be conducted as quickly and confidentially as possible. Both the complaint, and the investigative steps and findings will be documented as thoroughly as possible. CAPCOG will provide its conclusions to the person alleged to have suffered harassment.

If an employee is harassed by a non-employee, the supervisor should be contacted for assistance. CAPCOG cannot control the offensive behavior of all nonemployees, but it will take appropriate action to protect its employees from harassment by nonemployees.

No employee will be subject to any form of retaliation or discipline for making a good faith complaint or report of prohibited conduct or who assist in a complaint investigation. Acts of retaliation must be reported immediately to the personnel officer or the Executive Director.

Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.

2.10: AMERICANS WITH DISABILITIES ACT

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

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

In implementing this policy, CAPCOG will be guided by the regulations of the ADAAA or case law construing the ADAAA, and applicable state and local law.

All employees are required to comply with safety standards. CAPCOG will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so poses a direct threat to the health or safety of themselves or other individuals in the workplace, and the threat cannot be eliminated by reasonable accommodation, and/or if the accommodation creates an undue hardship to CAPCOG. Current employees who pose a direct threat to the health and safety of themselves or to other individuals in the workplace will be placed on appropriate leave until a formal decision has been made in regard to the employee's immediate employment situation.

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

2.11: DEFINITIONS

- **Employee.** For the purposes of these Personnel Policies, "employee" includes regular full-time, regular part-time, temporary full-time, and temporary part-time individuals who are listed on CAPCOG's payroll. Employee does not include persons hired under consulting contracts, persons paid by a temporary employment service, or participants in governmental programs unless those participants are also on CAPCOG's payroll.
- **Capital Area Council of Governments (CAPCOG).** For purposes of these Personnel Policies, "CAPCOG" means the Capital Area Council of Governments.
- **Governing Body.** For the purposes of these Personnel Policies, "governing body" means the Executive Committee.
- **Executive Director.** For the purposes of these Personnel Policies, "Executive Director" means the chief executive officer of CAPCOG.
- **Personnel Officer.** For the purposes of these Personnel Policies, "personnel officer" means the staff member designated by the Executive Director to oversee personnel issues for CAPCOG.
- **Retiree.** For the purposes of these Personnel Policies, a "retiree" will be considered an employee who has reached the age of eligibility for Medicare.

SECTION 3: EMPLOYEE RESPONSIBILITIES

3.01: EXPECTATIONS OF EMPLOYEES

As a public, tax-supported organization, CAPCOG employees are expected to demonstrate a commitment to produce the highest quality of work possible. The Executive Director has defined the following organization-wide core competencies as a framework to identify the knowledge, skills, abilities or other behaviors critical to success for every CAPCOG employee in a job role or specific function:

1. Leadership – Provides direction, motivation, and an example through open communication, optimism, and modeling best practices.
2. Concern for Effectiveness – Demonstrates a commitment to producing the highest quality work possible, while monitoring long-term impact.
3. Teamwork - Recognizes independence and talent of each member; fosters a climate of trust, works within the team structure, understands the team perspective, and commits to goal attainment.
4. Communication – Ensures that key issues are addressed and that important information is shared quickly and effectively up, down, and across the organization.
5. Customer Service – Consistently demonstrates respect, responsiveness, and professionalism towards others while providing superior service for customers.

3.02: PROFESSIONAL APPEARANCE

Employees of CAPCOG are hired to provide services to its citizens and to perform specific tasks in a professional manner. As representatives of CAPCOG, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. The Executive Director shall provide written dress code guidelines.

3.03: TIMELINESS AND ATTENDANCE

Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work. Frequent tardiness or unexcused absence is not permissible and is grounds for disciplinary action up to and including termination.

An employee who expects to be late for or absent from work must notify his or her supervisor no later than 30 minutes before the time the employee is scheduled to begin work, unless emergency conditions exist. Positions that require an hour prior notice will be given notification by their division directors. See Section 9.04.04 for more information on notification requirements.

3.04: OUTSIDE ACTIVITIES

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 CAPCOG; or (2) to affect the employee's job performance adversely.

An employee must have the advance approval of his or her supervisor and the Executive Director to engage in any outside employment, including self-employment.

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

3.05: GIFTS

A CAPCOG employee 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 CAPCOG or an advisory committee of CAPCOG. Gifts from other sources are

not to exceed \$150 and cannot be used to sway or influence the employee in their official capacity. If the values exceed these limits, the gifts shall be delivered to the Executive Director to be donated or handled as the Executive Director determines.

3.06: CONFLICT OF INTEREST

3.06.01: Disclosure of Potential Conflict of Interest

1. "Covered Employee" means any employee of CAPCOG who is involved in procurement or in contract management for CAPCOG.
2. A Covered Employee must complete and file with CAPCOG's Records Administrator, a *Local Government Officer Conflicts Disclosure Statement* if the Covered Employee 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 of CAPCOG. The completed Statement must be delivered to the Records Administrator no later than 5 p.m. on the seventh business day after the date on which the Covered Employee becomes aware of facts that require filing the Statement.
3. The *Local Government Officer Conflicts Disclosure Statement* form is available on the website of the Texas Ethics Commission, www.ethics.state.tx.us.
4. A Covered Employee 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.

3.06.02: Prohibited Conduct

An employee may not:

1. Solicit or accept or agree to accept a financial benefit, other than from CAPCOG, that might reasonably tend to influence his or her performance of duties for CAPCOG or that he or she knows or should know is offered with intent to influence the employee's performance;
2. Accept outside employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties;
3. Accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for CAPCOG;
4. Make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for CAPCOG;
5. Solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a CAPCOG employee in favor of that person; or
6. Participate in any case or decision wherein program benefits or any other thing of value is or may be granted to or withheld from any person who is related to that employee: (1) within the second degree of affinity (marriage); (2) within the third degree of consanguinity (blood); or (3) is the spouse of a person related within the second degree of consanguinity. See the Nepotism Chart following Section 4.08 for an explanation of these relationships.

3.07: POLITICAL ACTIVITY

Employees of CAPCOG are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these Personnel 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 CAPCOG, 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 CAPCOG 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 CAPCOG or appropriated funds to influence or attempt to influence the passage or defeat of any legislative measure, unless a clarification has been issued as provided by Section 2.01 related to a state or federal requirement which supersedes CAPCOG policies.

In addition, any CAPCOG employee who is subject to the provisions of the federal Hatch Act Modernization Act of 2012 may not be a candidate for elective office in a partisan election. (A partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected.) CAPCOG employees are subject to this Hatch Act restriction if their salaries are paid entirely by federal funds.

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.

An employee who runs for elective office is encouraged, but not required, to take a leave of absence beginning upon filing for elective office and ending upon qualifying for and taking office.

Violation of Section 3.07 is grounds for dismissal and/or disapproval of funding for the position occupied by the employee involved.

3.08: COMMUNICATIONS

From time to time, an employee may be given work instructions from persons 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 CAPCOG policy, operation, and organization are brought before the governing body by the Executive Director or by a person designated to do so by the Executive Director.

An employee may request that a matter be considered by the governing body by submitting the item in writing to his or her supervisor.

Communication with the news media about CAPCOG issues is the responsibility of the Executive Director. Employees are to refer members of the news media to the Executive Director if a question is non-routine, controversial, or outside of the scope of the employee's normal duties, and are to notify the Executive Director in advance of scheduled interviews with the news media.

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

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

The Executive Director is the only employee authorized to legally obligate CAPCOG. Any e-mail or facsimile transmissions sent by a CAPCOG employee outside the agency shall include the following disclaimer: *"No electronic communication by a CAPCOG employee may legally obligate the agency."*

3.09: ELECTRONIC COMMUNICATIONS

This section applies to the use of computers, facsimile machines, hard-wired telephones (with voice mail capability), email, digital cameras, tablets, and mobile telephones (with voice mail capability) owned by CAPCOG and made available to its employees for use in carrying out their assigned job duties or owned by the employee and used in carrying out their assigned job duties. This equipment is referred to in this section as "electronic communications equipment."

All employees have the ability to access the Internet using computers supplied by CAPCOG. The purpose of this access and any associated utilities (including web browsers, internal and external e-mail, newsgroups, chat, ftp, telnet, gopher, social sites) is to facilitate the performance of each employee's assigned job duties. All employees are likewise provided a hard-wired telephone, some are provided a mobile telephone, and all may use the provided facsimile machines to carry out their assigned duties.

As a general guideline, CAPCOG employees should exhibit the same professional manner in using electronic communications equipment as they would in any business transaction. Electronic communications are subject to subpoena, and, because CAPCOG is subject to the Public Information Act, all documents, both printed and electronic, are subject to disclosure under that Act.

Access to or transmission of the following through CAPCOG's electronic communications equipment is prohibited:

1. Pornographic material;
2. "Hate" material that promotes discrimination on the basis of race, color, religion, sex, age, national origin, disability, military or veteran status, or sexual orientation;
3. Material containing graphic violence;
4. Any form of gambling; or
5. False and defamatory material.
6. Communications which violate CAPCOG Personnel Policy. By way of example, harassing communications.

Employees have no right to privacy and may not assume they are provided any degree of anonymity with regard to CAPCOG electronic communications systems. The Executive Director, or her or his designee, may search, retrieve, and disclose an employee's electronic communications at any time, with or without notice, and each employee consents to this search, retrieval, and disclosure. To ensure proper use of its electronic systems, CAPCOG can monitor their use.

Use of CAPCOG's electronic communications equipment for reasons not directly related to the job is not in and of itself a violation of this section. Reasonable use during work hours is allowed when it doesn't impact the duties and work load of the employee. Use of electronic communications equipment during nonworking hours is permitted provided that the usage complies with this section. Non-employees are prohibited from using CAPCOG's electronic communications equipment. Employees should not assume that any communication or Internet sites viewed with CAPCOG equipment is private. All messages created, sent, or received over CAPCOG's e-mail or Internet system are the property of CAPCOG and should not be considered private information.

Information created, sent, or received over personal devices used for CAPCOG business may be subject to Open Record Requests.

An employee who violates this section is subject to disciplinary action up to and including termination. Violation is also subject to administrative action including, but not limited to, the loss of Internet, e-mail, mobile telephone, or facsimile machine privileges.

CAPCOG wide emails are for official correspondence only unless approved by the Executive Director, or his or her designee.

3.10: SOCIAL MEDIA

3.10.01: Purpose

Social media provide a mechanism for CAPCOG to expand its outreach and information efforts as well as to seek input. This section prescribes rules for employees' use of social media to support CAPCOG programs. CAPCOG also recognizes that employees may use personal social media during non-work hours. This section accordingly applies to an employee's official and personal use of social media during

both work and non-work hours and governs the use at all times. Finally, this section is to be interpreted consistently with Sections 3.08, Communications, and 3.09, Electronic Communications.

3.10.02: Definition

Social media include blogs, forums, and social networking sites such as Twitter, Facebook, LinkedIn, YouTube, and MySpace.

3.10.03: Official Use of Social Media

Only the Executive Director may authorize the use of social media for CAPCOG's purposes, including the choice of media, content, and duration of use. CAPCOG social media sites may be used exclusively to provide factual descriptions of CAPCOG's activities, programs, and other information. A CAPCOG social media site may not contain editorial comment or opinion or identify CAPCOG partners, clients, or contractors unless the Executive Director approves the content in advance of posting on the site.

Employees who are designated by their division director and approved by the Executive Director may engage in social media activity on behalf of CAPCOG as part of their official duties. Employees must identify their CAPCOG affiliation when using social media on CAPCOG's behalf.

3.10.04: Personal Use of Social Media

While employees may maintain social media such as personal websites or web blogs on their own time using their own equipment, personal use of social media during work hours is limited to the employee breaks and lunch hour so long as the use does not conflict with Section 3.10.03, 3.10.04, or other parts of these Personnel Policies.

If an employee identifies himself or herself as a CAPCOG employee on a personal social media site, the employee must include a disclaimer on the front page stating that the content does not express the views of CAPCOG and that the employee is expressing only his or her personal views. For example: "The views expressed on this [website/web log, etc.] are mine alone and do not necessarily reflect the views of CAPCOG, its member governments, governing body members, or employees." The employee must place the disclaimer in a prominent position and repeat it for each posting expressing an opinion related to CAPCOG or its business. A disclaimer will not shield an employee from disciplinary action or liability if the content posted violates these Personnel Policies or the law.

Unless accompanied by a disclaimer that complies with Section 3.10.04.2, an employee must not post content on a social media site if, because of the employee's likely recognition as an expert in the content's subject matter, the content will be interpreted to represent the views of CAPCOG even if the employee does not identify himself or herself as such in the posting.

3.10.05: Behavior on Social Media Sites

While on social media sites, including personal sites, employees must demonstrate respect for the dignity of CAPCOG, its member governments, governing body members, employees, partners, and contractors. Employees must also be honest and accurate in their postings, and if a posting is determined to be inaccurate, the employee must correct it promptly. Social media is a public space and employees must not post content that will violate Section 3.10.04 or that likely will embarrass site readers or CAPCOG, its member governments, governing body members, employees, partners, or contractors.

An employee may not use a personal social media site to compete with CAPCOG or otherwise seek financial gain based on his or her employee status.

An employee may not on a personal social media site:

1. Identify CAPCOG's clients or contractors without the express permission of the person or organization identified;

2. Disclose CAPCOG's confidential or proprietary information or post pictures of its property or provide a link to the CAPCOG website;
3. Post trademarked or copyrighted material or other intellectual property without first obtaining permission from the owner.

An employee who violates this section, or who retaliates against someone reporting the violation in good faith or participating in an investigation of the alleged violation, is subject to disciplinary action up to and including termination. Violation or retaliation is also subject to administrative action including, but not limited to, the loss of the employee's electronic communication privileges at CAPCOG.

SECTION 4: EMPLOYMENT PRACTICES

4.01: RESPONSIBLE AGENT FOR APPOINTMENT

The Executive Director is the chief executive officer and is responsible for the selection and length of tenure of all employees of CAPCOG within the limits of these Personnel Policies and the overall comprehensive budget. Other supervisors may be asked for recommendations as appropriate. All selection decisions will include a review by the Executive Director of the procedures followed in the search and selection.

4.02: METHODS OF RECRUITMENT AND SELECTION

CAPCOG has three methods of filling vacancies:

1. promotion from within;
2. lateral transfer from within; ~~or~~
3. public announcement and competitive consideration of external and internal applications for employment; or
- ~~3-4.~~ conversion of a contracted temporary employee.

The Executive Director determines the method to be used in filling each vacancy.

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

4.03: PUBLIC ANNOUNCEMENTS

Public announcements of position openings at CAPCOG for which there will be competitive consideration are disseminated by the Executive Director or his or her designee in the manner most appropriate for the particular position being filled and consistent with CAPCOG's Affirmative Action Plan.

4.04: QUALIFICATIONS

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

4.05: AGE REQUIREMENTS

Persons under 16 years of age will not be employed in any regular full-time, regular part-time or temporary position.

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

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

4.06: APPLICATION FOR EMPLOYMENT

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

It is the responsibility of the Executive Director or his or her designee to make appropriate checks to verify education, experience, character, and required certificates and skills of an applicant prior to appointment. The Executive Director or designee must check the driving record for employees whose duties include driving a vehicle as soon after employment as feasible and at least annually thereafter.

4.07: CONSIDERATION OF CURRENT EMPLOYEES

Employees of CAPCOG may apply for internal vacancies in the organization and will be given equal consideration with other candidates based on qualifications. An employee's pursuit of another position within the organization may not interfere with their current duties.

4.08: EMPLOYMENT OF RELATIVES (NEPOTISM)

Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel is forbidden by CAPCOG.

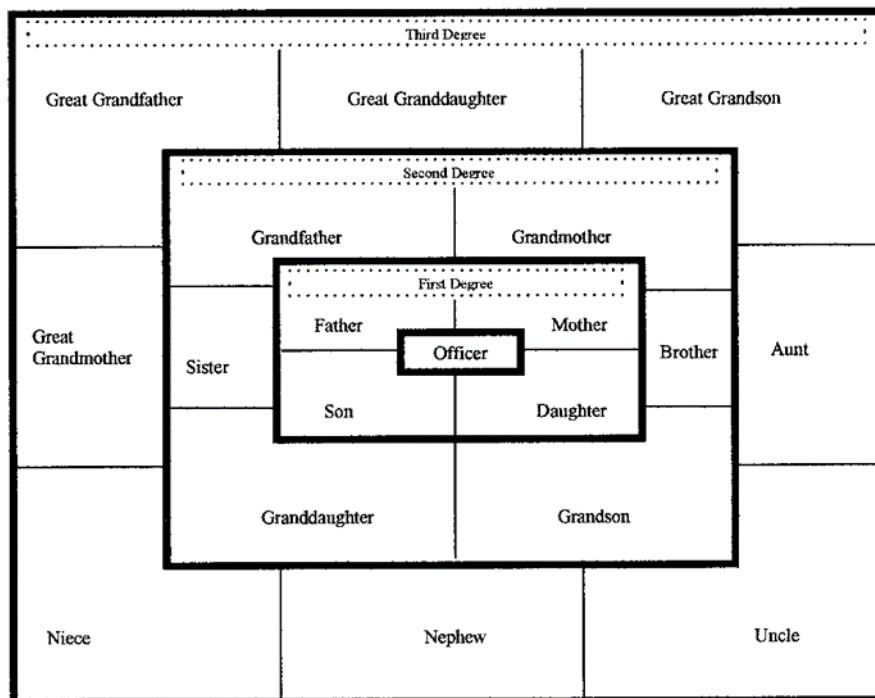
No person may be hired who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the governing body, to the Executive Director, or to an employee who would supervise the person. No person may continue in CAPCOG's employment that is related to the Executive Director or a member of the governing body in one of the prohibited degrees unless the employee has been employed continuously by CAPCOG for a period of:

1. At least 30 days when the Executive Director or governing body member is an appointed official;
2. At least six months when the governing body member is elected at an election other than the general election for state and county officers; or
3. At least one year when the governing body member is elected at the general election for state and county officers.

In addition, in the interest of effective management, no personnel action will be taken that would result in any employee's supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee.

Prohibited degrees of relationship are defined in the nepotism chart below.

Figure 1. Nepotism Chart



4.09: TESTING

Tests administered for employment or promotion will be specifically job-related ("piece-of-the-job") tests (e.g., operating equipment, word processing, operating a computer, lifting something heavy required in the job, tabulating columns of numbers, or writing samples). CAPCOG may conduct pre-employment qualification assessment testing for certain job positions. The tests may 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.

Please refer to CAPCOG's *Drug and Alcohol Abuse Policy* for detailed information about required testing when reasonable suspicion exists that an employee is using or abusing illegal or prescription drugs, or alcohol.

4.10: EMPLOYEE MEDICAL RECORDS

Medical records relating to the medical condition or medical 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 personnel office, are confidential, and are not released unless the employee has provided written authorization authorizing release of medical information. Only the Executive Director and the personnel officer have access to employee medical information. See also Section 17.05. Drug testing will be handled as outlined in the Drug and Alcohol Abuse Policy.

4.11: 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 on the first day of hire and provide proof of his or her identity and employment eligibility within three days of his or her first day of employment.

4.12: DISQUALIFICATION

An applicant is disqualified from employment by CAPCOG 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, it subjects the employee to immediate dismissal);
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; or
7. Has failed to produce within three days of employment the required legal document(s) that establish identity and employment eligibility.
8. If they previously worked for CAPCOG and were involuntarily terminated, or resigned in lieu of termination;
9. False statements or material omissions on the application form or during the application process;
10. Any other reason deemed to be in the best interest of CAPCOG.

4.13: BACKGROUND CHECKS

Background checks are conducted on final candidate(s), regardless of the position. This process is collected as a means of promoting a safe work environment for current and future CAPCOG employees. Background checks also provide risk evaluation for the customers we serve.

CAPCOG will ensure that all background checks are conducted in compliance with all federal and state statutes, such as the Fair Credit Reporting Act, as applicable.

CAPCOG guarantees that all information attained from the background check process will only be used as part of the employment process and kept strictly confidential. Human resources will maintain the documents and only approved human resource personnel will have access to this information.

Written authorization for the background investigation is given using the CAPCOG-provided form. Once the report is generated the Executive Director or designee will determine the candidate's fitness for the position.

Some positions require additional background checks based upon the functions of the position. For these positions, once the initial hiring background check is performed and the final candidate is chosen, a conditional offer of hire is made. The second background check is performed after hire through an outside provider. Continued employment will require passing the second background check and passing periodic background checks as needed.

4.14: RELOCATION ASSISTANCE

The Executive Director, at his/her discretion, may provide a one-time monetary payment to assist in the deferment of costs in relocating to the Austin area for new CAPCOG employees. Factors that are integral or immediate in nature will be considered in determining the one-time monetary payment. This payment would be on a reimbursement basis through the payroll process.

If the employee separates from CAPCOG before 730 days (two years) have passed, the employee will be required to repay the costs as a percentage of the days remaining until 730 days. (Example: 150 days remain of the 730 days; the repayment percentage is 20% of the total payment amount.) The employee can separate from CAPCOG after 730 days from the date of hire with no repayment requirement.

SECTION 5: TYPES OF EMPLOYMENT

5.01: CATEGORIES

There are four categories of employment with CAPCOG:

1. **Regular Full-Time.** A regular full-time employee is appointed to an authorized position that involves, on the average, 40 work hours per week and is expected to last more than a year. Regular full-time employees may be either hourly or salaried.
2. **Regular Part-Time.** A regular part-time employee is appointed to an authorized position that involves, on the average, work more than 20 hours per week and is expected to last more than a year. Part-time employees are paid on an hourly basis.
3. **Temporary Full-Time.** A temporary full-time employee is an employee hired to work an average of 40 hours per week for a period expected to last less than a year. Temporary full-time employees may be either hourly or salaried.
4. **Temporary Part-Time.** A temporary part-time employee is an employee hired to work an average of fewer than 40 hours per week for a period expected to last less than a year. Temporary part-time employees are paid on an hourly basis.

Employment at CAPCOG is conditional upon continued funding through various grants from and contractual arrangements with outside funding sources. Each employee of CAPCOG is subject to separation upon discontinuance of available funding for the employee's position.

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

5.02: ASSIGNED STAFF

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

5.03: PROBATIONARY PERIOD

All categories of employees are subject to an initial 90-day probationary period of employment. The probationary period will be utilized to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations.

During the probationary period, the supervisor shall report to the Executive Director on the employee's work, ability to perform duties satisfactorily, attitude, habits, and dependability. This reporting shall be done no less often than monthly in a format specified by the Executive Director.

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.

The probationary period may be extended for no more than two, 30-day increments upon the approval of the Executive Director.

During the [initial 90-day](#) probationary period, employees entitled to accrue annual and sick leave do so as specified in Sections 9.03 and 9.04; however, probationary employees may not use annual leave [or personal holidays](#) until successful completion of the probationary period. Accrued sick leave may be used during this period. Probationary employees are entitled to the benefits provided by Section 8 in accordance with the terms of that section. Probationary employees are entitled to observe [agency](#) holidays with pay if they are classified as Regular employees under Section 5.01.

Successful completion of the probationary period does not constitute a contract of employment. CAPCOG is an at-will employer. See Section 2.02 for further clarification.

SECTION 6: EMPLOYEE COMPENSATION AND ADVANCEMENT

6.01: PAY

Pay for CAPCOG employees is set each year by the governing body in the adopted operational budget.

The Executive Director shall establish the hours of employment in the agency's basic workweek, and establish pay periods and pay dates to administer the payment of wages, salaries, and overtime.

6.02: CHECK DELIVERY

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 a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the Director of Finance.

Direct Deposit of paychecks into employee's bank accounts is encouraged. All new employees will be given the option of participating in direct deposit.

6.03: PAYROLL DEDUCTIONS

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

1. Federal social security/Medicare;
2. Federal income taxes;
3. Court ordered child support; and
4. Any other deductions required by law.

In accordance with these *Personnel Policies* and general procedures approved by the governing body, 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 as may be authorized by the Executive Director and the employee.

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

6.04: MERIT PAY

In any year in which the governing body sets aside funds for merit pay, that pay may be granted for exceptional performance with evidence of accomplishments as a onetime annual payment.

Merit pay is not used to recognize increased duties and responsibilities (a promotion) and is granted without regard to cost-of-living factors. The Executive Director determines recipients of merit pay annually based on the supervisor's recommendation and performance that exceeds the routine scope of work of a position.

6.05: ACROSS-THE-BOARD PAY INCREASES

If an across-the-board or blanket cost-of-living (COLA) pay increase is approved by the governing body, the increase will be in the form of a percentage or a flat dollar amount, or a combination thereof. When this is done, each individual employee's salary is adjusted by the authorized percentage or flat dollar increase.

[Employees who were hired or otherwise received an adjustment to pay within three months of the effective date of the across-the-board increase will not receive an across-the-board increase.](#)

6.06: PROMOTIONS

A promotion is a change in the duty assignment of an employee that results in advancement to a higher position requiring higher qualifications and involving greater responsibility.

Promotions are approved by the Executive Director within the staffing pattern and budget limits approved by the governing body. 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.

Upon promotion, an employee serves a probationary period of 90 days in the new position, unless otherwise determined by the Executive Director, and may be returned to a lower position at any time during the probationary period if performance is less than fully satisfactory if one is available. An employee on probationary status as a result of a promotion is allowed to use annual leave and personal leave.

6.07: LATERAL TRANSFERS

Lateral transfers may be made within the same division, or among departments, if a vacant position is available and the employee can perform the essential functions of the position, with or without reasonable accommodation. Unless determined to be unnecessary by the Executive Director, An an employee who is laterally transferred 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 probationary period if performance is less than fully satisfactory and the position is still available. An employee on probationary status as a result of a promotion is allowed to use annual leave and personal leave.

6.08: DEMOTIONS

A demotion is a change in duty assignment of an employee to a lower position that may result in a pay reduction. Demotions may be made:

1. At the employee's request to occupy a less responsible position,
2. As a reasonable accommodation for an employee with a disability,
3. As a disciplinary measure because of unsatisfactory performance in a higher position,
4. Position changes due to internal operational reorganization, or
5. As a result of discontinuances of available funding.

6.09: PAY CLASSIFICATION SYSTEM

CAPCOG maintains a classification plan by which each position is assigned to a pay group and has a standardized job description for the designated pay group. The pay classification system utilized by CAPCOG is an attachment to the annual budget approved by the Executive Committee and General Assembly in accordance with CAPCOG's Bylaws. The assignment of pay groups for positions shall be made within the classification system by the Executive Director.

6.10: APPROVING AUTHORITY

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

SECTION 7: WORK SCHEDULE AND TIME REPORTING

7.01: WORKWEEK AND WORK HOURS

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

The Executive Director may set 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.

7.02: SCHEDULE ADJUSTMENTS

Adjustments to the normal hours of operation may be made by the Executive Director in order to serve member governments, the public, or to reduce ozone emissions during the peak hours.

Lunch periods for some employees may be staggered according to specified requirements.

7.03: NUMBER OF HOURS WORKED

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

7.04: OVERTIME WORKED

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 workweek. Under the FLSA, overtime applies only to employees who are not exempt (non-exempt) from the Act's overtime provisions. The policy of CAPCOG is to not require overtime by employees not exempt from the FLSA. However, employees may be required to work additional hours or on weekends or holidays, and if so, equal time-off will be scheduled during the same workweek in which the overtime was worked if possible.

For non-exempt employees in positions that are covered by the overtime provisions of the FLSA, overtime begins to accrue with the 41st hour worked during the seven-day workweek. Paid leave, such as holiday, sick or vacation pay, during the same workweek, does not apply toward work time.

All overtime services by employees covered under FLSA must be authorized in advance by the employee's division director and approved by the Executive Director. Employees covered under FLSA should not access job-related emails or conduct other business outside of assigned work 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.

For employees in positions that are exempt from the overtime provisions of the FLSA, compensatory time may be accrued. Accrual of compensatory time must be approved prior to the accrual by the supervisor on the specified form. It is preferred that accrued compensatory time be taken within 90 days of when it is earned. Employees must get approval from their supervisor to take the accrued compensatory time. Supervisors are expected to allow employees to take their accrued compensatory time when it does not adversely impact the workload of the program or division. Compensatory time is not compensable upon termination for employees who are exempt from the provisions of the FLSA.

7.05: FLSA OVERTIME COMPENSATION

Non-exempt employees in positions covered by the overtime provisions of the FLSA are compensated for overtime worked in one of the following ways (in order of CAPCOG preference). **Note: Options 2 and 3 below require prior approval by the Executive Director.**

1. Equal time off within the same work week (seven days);
2. Time off at one and one-half hours for each hour over 40 after the same work week but within the fiscal year (compensable upon termination); or
3. Payment at the rate of one and one-half times the employee's regular hourly rate.

7.06: FLEXIBLE WORK HOURS AND LOCATION

CAPCOG allows flexible work hours and telecommuting for its employees because it recognizes the benefits of the different scheduling to the environment and community. Flexible work arrangements are optional, not an employee right or benefit.

7.06.01: Flexible Work Hours

An employee may be granted flexible work hours with approval of the supervisor, division director and Executive Director. Each division director shall ensure sufficient employees remain on normal work hours to maintain full program accessibility. The operational needs of the COG take precedence over the flexible work arrangement and can be canceled at any time by the supervisor, division director, or Executive Director.

The Executive Director will provide guidelines for flexible work hour schedules outside these policies.

7.06.02: Telecommuting

CAPCOG views telecommuting as a cooperative arrangement between an employee and the organization. Telecommuting gives eligible employees in eligible positions the opportunity to work in a designated location away from the office. Telecommuting may be practiced as: a) a temporary option for reasons that may otherwise prevent an employee to perform duties; b) a benefit for an employee who can reduce commuting; or c) business continuity strategy when CAPCOG's physical offices cannot be accessed. The Executive Director approves the Telecommuting Policy that provides direction and assigns responsibilities for division directors and telecommuting employees.

Division directors are responsible for overseeing compliance in all aspects of the agency's policy in respect to preparing and approving the employees' agreement and assignments related to telecommuting. Employees are required to follow rules of the Personnel Policies at all times as well as any other CAPCOG policies or other rules and regulations enforced at CAPCOG.

All telecommuting agreements must have final approval of the Executive Director.

CAPCOG reserves the right to terminate or renegotiate telecommuting agreements in the event that the division director or Executive Director determines the arrangement no longer complies with CAPCOG policies, the work plan no longer achieves intended goals, or the scope of work of the position held by the employee has changed.

7.07: HOLIDAYS WORKED

CAPCOG's basic policy is that each regular employee receives a specified number of paid holidays per year, as set forth in these *Personnel Policies*. In most instances, if a regular employee is required to work on a scheduled holiday, he or she will be given an alternate day off in accordance with Section 7.04.

7.08: LEAVE OR HOLIDAYS TAKEN AND OVERTIME

If a full-time non-exempt employee is required to work extra hours during a workweek in which he or she has used released time or a holiday occurs, the hours will be handled in the following ways:

1. If the employee used sick leave or annual leave, the released time will be reduced to where the total hours for the workweek adds to 40 hours.
2. If the released time was a holiday, the employee will be paid straight time for the holiday and all hours worked up to 40 hours.
3. For actual hours worked in excess of 40 hours during the workweek, the released hours will be deleted and the employee will be compensated as outlined in Section 7.05. See Section 10.03 for how compensation of the holiday will be handled.

7.09: TIME REPORTING

Employees shall keep records of all hours worked and released time taken and, where appropriate, hours credited to particular projects. Forms for this purpose are provided by CAPCOG.

Timesheets must be signed by the employee and by the immediate supervisor and must be submitted to the finance officer. All timesheets must be submitted on Monday following the last day of the defined pay period unless otherwise specified.

Timesheets should be completed after each day's work, in order to maintain an accurate and comprehensive record of the actual time spent on particular projects.

7.10: BREAKS

7.10.01: Breastfeeding Breaks.

CAPCOG will provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk.

A place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk will be provided.

Two breaks to express milk will be compensated by CAPCOG. Additional breaks for expression of milk will not be compensated.

SECTION 8: BENEFITS

8.01: MEDICAL, LIFE, [LONG-TERM DISABILITY](#), VISION, AND DENTAL

Regular full-time and regular part-time (at least 20 hours per week) employees of CAPCOG are eligible to participate in the CAPCOG medical, life, [long-term disability](#), vision, and dental plans upon employment, [subject to any administrative restrictions in CAPCOG's approved benefit plans](#).

Detailed benefit information is located on CAPCOG's intranet available for all employees to access. Employee dependents can request a hard copy of benefit information from the personnel officer. See Section 14.10 for information on Continuation of Coverage of health benefits after certain status changes.

8.02: RETIREMENT PLAN

CAPCOG employees are eligible to participate in the Capital Area Council of Governments' Employee Retirement Plan as specified in the plan document.

8.03: WORKERS' COMPENSATION

Employees of CAPCOG are covered by a workers' compensation insurance program, and CAPCOG pays the premium. This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries. Detailed information about workers' compensation benefits is found in the section on Health and Safety (Section 11).

8.04: SOCIAL SECURITY AND MEDICARE

All employees of CAPCOG are covered by Social Security. CAPCOG contributes to the Social Security/Medicare system on behalf of each employee.

8.05: UNEMPLOYMENT INSURANCE

All employees of CAPCOG are covered under the Texas unemployment compensation insurance program, and CAPCOG pays for this benefit. This program provides payments for unemployed workers in certain circumstances.

8.06: LEAVE TIME

Regular CAPCOG employees are eligible for holidays, annual leave, sick leave, and other types of released time under certain circumstances. Detailed information about leave and other types of released time is found in the sections of these *Personnel Policies* on Leave Time and Holidays.

SECTION 9: LEAVE TIME

9.01: DEFINITIONS

1. **Leave Time.** Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.
2. **Agency Holidays.** ~~Holidays-Agency holidays~~ are days ~~designated by the governing body~~ during which CAPCOG offices are closed on what would otherwise be regular business days.
3. **Unauthorized Absence.** An unauthorized absence is one in which the employee is absent from regular duty without permission of the supervisor or Executive Director. Employees are not paid for unauthorized absences and such absences are cause for disciplinary action.
4. **Administrative Leave.** See Section 9.10.
5. **Immediate Family.** When used in these Personnel Policies, "Immediate Family" means spouse (legal and common law), parent (step, foster, ward, in loco parentis), child (adoptive, step, foster, ward, in loco parentis), brother and sister (including adoptive, step, foster ward), and grandparent, in both consanguinity and affinity relationships. With the approval of the Executive Director, this definition can, in individual circumstances, include a person for whom the employee has responsibility to provide care on an uncompensated basis.

9.02: APPROVAL OF LEAVE

All leave taken by CAPCOG employees shall have prior approval by the employee's supervisor. Copies of signed leave request forms must be attached to the employee's time sheet.

Supervisors are responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. Leave is earned per pay period and cannot be taken until the first day of the subsequent pay period. In addition, supervisors are responsible for ensuring that all annual and sick leave usage is recorded on the time sheet sent to the finance officer for CAPCOG payroll purposes.

9.03: ANNUAL LEAVE

9.03.01: Annual Leave Accrual

All regular employees are eligible to accrue paid annual leave.

Regular and probationary full-time employees shall accrue annual leave for each pay period at the rates set out below. Regular and probationary part-time employees who work at least 20 hours per week accrue annual leave on a pro-rated basis. Annual leave is accrued 24 of the 26 pay periods in the calendar year. Temporary employees do not accrue annual leave.

1. Regular fulltime employee accrual for ~~01~~-3 years of service earns 96 hours per 12 months.
2. Regular fulltime employee accrual starting the 4th year of service earns 120 hours per 12 months.

New employees accrue annual leave as follows: if hired during the first week of the pay period, they accrue the full 4 hours; if hired during the second week of the pay period, they accrue 2 hours. Regular part-time employees earn on a pro-rated basis.

9.03.02: Accumulation of Annual Leave.

Employees are encouraged to use their accrued annual leave each year as it is earned. Employees can carry a maximum of ~~48 hours of unused annual leave into the new calendar year. Each subsequent year an additional 48 hours can be added to the current year's total carry-over to the maximum allowable of~~

240 hours ~~from one calendar year into the next, based on their leave balance on the last paycheck of each calendar year. Example: a new hire carries over 48 hours into the new calendar year. Going into the second calendar year he or she is eligible to carry over 96 hours of annual leave (based on 48 hours the first year and then an additional 48 hours from the second year).~~

Annually, at the end of the calendar year, any annual leave balance in excess of the maximum is reduced to the maximum without compensation to the employee. Pay in lieu of annual leave is not permitted other than upon separation.

9.03.03: Payment for Unused Annual Leave Upon Separation

When an employee leaves the service of CAPCOG, he or she will be paid for accrued but unused annual leave not to exceed 240 hours. The rate of pay will be determined by the current pay rate in effect at the time of termination.

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

1. The employee separates for any reason ~~prior to their one-year anniversary date~~ within 90 days of their hire date.
2. The employee fails to comply with the required notification for resignation as set out in Section 14.02.
3. The employee is dismissed for disciplinary reasons, or resigns while under investigation.

9.03.04: Scheduling Annual Leave

Supervisors should encourage their employees to schedule vacations and request leave well in advance, and vacation schedules must accommodate CAPCOG's work schedule. Provided division workloads will permit, 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 schedules conflict with CAPCOG or division requirements, CAPCOG requirements are given first consideration.

Annual leave is taken in increments of 15 minutes.

9.04: 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 9.01.05 who requires the employee's personal care and attention;
5. Death of a member of the employee's family member as defined in Section 9.01.05.
6. An employee may use up to eight (8) hours of sick leave each calendar year to attend parent/teacher conference sessions for a child who is a student attending a grade from prekindergarten through 12th grade.

See also Section 9.05, Family and Medical Leave.

9.04.02: Accrual of Sick Leave

Regular and probationary full-time employees shall accrue four hours of sick leave for each pay period. Regular and probationary part-time employees who work at least 20 hours per week accrue annual

leave on a pro-rated basis. Sick leave is accrued 24 of the 26 pay periods in the calendar year. Temporary employees do not earn sick leave.

New employees accrue sick leave as follows: if hired during the first week of the pay period, they accrue the full 4 hours; if hired during the second week of the pay period, they accrue 2 hours. Regular part-time employees earn on a pro-rated basis.

Sick leave is taken in increments of 15 minutes.

9.04.04: 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 of use of sick leave, the employee must notify his or her supervisor or division director 30 minutes before the beginning of the scheduled work time on the first day of absence, unless emergency conditions exist. The employee also must call the supervisor each subsequent day he or she will be out on sick leave unless other arrangements are made.

Failure to provide the required notice may result in the employee's being placed on leave-without-pay status and could result in disciplinary action against the employee. Employees are expected to return to work as soon as they no longer need to take sick leave.

9.04.05: Verification

Verification by a third party (acceptable to the Executive Director) supporting the request for sick leave benefits shall automatically be required whenever an employee is absent from work three or more consecutive days due to illness or other conditions as listed in 9.04, numbers 1-4, unless other arrangements are made by the Executive Director. This is a requirement regardless of the type of leave used for the employee's absence.

An employee may also be required to furnish a doctor/hospital statement verifying an illness or accident under any of the following circumstances. The employee may not be allowed to return to work without a written statement from the third party indicating the date of the illness or injury, and releasing the employee to return to work with or without restrictions.

- When illness or accident caused the employee to be hospitalized.
- When the Supervisor or Executive Director reasonably believes that the employee's return to work may pose a safety or health hazard to the employee or others.
- At the Executive Director's discretion.

9.04.06: Accumulation of Sick Leave

Sick leave not used by regular employees during the year in which it accrues is available for use in succeeding years up to a maximum allowable accumulation of 720 hours, which is prorated for part-time regular employees based on their scheduled hours per week. Any hours over the 720 hours on a person's account is not eligible for use by the employee

An employee is entitled to payment for a portion of unused sick leave, in accordance with Section 14.08, upon termination of employment.

9.04.07: Exhaustion of Sick Leave

An employee who has exhausted accrued sick leave benefits, will automatically have annual leave added to their timesheet to complete their scheduled number of work hours in the pay period. If the employee does not have the required number of hours of annual leave to complete the scheduled number of work hours for the pay period, the employee may request leave of absence without pay from the Executive Director. No advance of unearned leave will be made for any reason.

9.04.08: Illness While on Annual Leave

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

9.04.09: Donation of Sick Leave

An employee who has exhausted his or her sick and annual leave or has not earned sufficient leave to cover an approved illness may have sick leave donated from one or more other employees with the approval of the Executive Director.

1. The Executive Director will review the past use of leave of the employee who is on leave before giving approval for donation of sick leave.
2. Employees who wish to donate may be allowed to donate up to 15% of their current balance (with a yearly maximum of 40 hours donated) and their remaining balance is at least 100 hours. The Executive Director may make exceptions to this guideline.
3. A donation of leave must be submitted in writing by the employee who wishes to donate. The Executive Director will approve the use of donated sick leave one pay period at a time.
4. Donated sick leave may be used for up to six weeks for a serious illness, at the discretion of the Executive Director. Under extreme circumstances, the Executive Director may approve additional donations of sick leave.
5. All other requirements of leave, including FMLA, as outlined in CAPCOG's Personnel Policies, also apply.
6. During the use of donated leave the employee accepting the leave may be required to continue health benefits through COBRA.

9.04.10: Payment for Unused Sick Leave Upon Separation

Unused sick leave is compensated upon separation from employment up to a maximum of 48 hours for employees who have completed three years' continuous employment and will be based on the employee's hourly rate at the time of separation.

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

1. The employee fails to comply with the required notification for resignation as set out in Section 14.02.
2. The employee is dismissed for disciplinary reasons or resigns while under investigation.

9.05: FAMILY AND MEDICAL LEAVE

CAPCOG will comply with the Family and Medical Leave Act (FMLA) implementing regulations as revised. CAPCOG 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.

9.05.01: Eligible Employees

1. To be eligible for family or medical leave, an employee must have been employed by CAPCOG for at least 12 months or 52 weeks and need not have been consecutive. Separate periods 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.

2. The amount of family or medical leave to which a part-time employee is entitled is determined on a pro rata basis.
3. This Section 9.05 applies equally to all employees. However, if both spouses are employed by CAPCOG, and the reason for the leave is to care for the same family member, 12 weeks is the aggregate family leave limit for both.

9.05.02: Calculation of 12-Month Period

The 12-month employment period for eligibility for leave is calculated on an individual-employee basis in a uniform matter for all employees. The 12-month period is measured as of the date the employee's first family or medical leave would begin. Thus, an employee continuously employed for 11 months who requests family or medical leave to begin at the start of the 13th month of employment is eligible for the leave if employed on that date.

9.05.03: Reasons for Family or Medical Leave

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

9.05.04: Entitled to 12 Weeks of Unpaid FMLA

1. Birth of the employee's son or daughter and to care for the newborn child;
2. Placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee's spouse, child, or parent with a serious health condition;
4. Because of a serious health condition, including that resulting from an on-the-job injury described in Section 11.04 that makes the employee unable to perform the essential functions of the employee's job. A "serious health condition" is one that requires either inpatient care or continuing treatment by a health care provider; or
5. For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a covered military member (or has been notified of an impending call or order to active duty) in support of a contingency operation.

Qualified Exigencies are one or more of the following:

1. Short-notice deployment
2. Military events and related activities
3. Childcare and school activities
4. Financial and legal arrangements
5. Counseling
6. Rest and recuperation
7. Post-deployment activities
8. 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

9.05.06: Entitled to a Total of 26 Weeks of Unpaid FMLA

Leave to Care for a Covered Servicemember with a Serious Injury or Illness: An eligible employee who is a spouse, son, daughter, parent, or next of kin (defined as nearest blood relative) of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness is entitled to up to a total of 26 workweeks, of unpaid leave during a single 12-month period to care for the servicemember (military caregiver). The maximum leave for a single injury or illness is 26.

An eligible employee is limited to 12 weeks of FMLA for reasons 1. through 5., a total of 26 workweeks for reason number 6. or, a total of 26 workweeks of FMLA leave for a combination of reasons from 1. through 5. and reason number 6. during the single 12-month period. Further guidelines can be found in the Family and Medical Leave Act of 1993 as Amended.

9.05.07: Definition of Family Members Specifically for FMLA.

For qualifying reasons 1 through 5, “son or daughter” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent. The child must be under 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability. “Spouse” means a husband or wife as defined or recognized under state law for purposes of marriage, including common-law marriage. “Parent” means a biological parent, adoptive, step, foster, or an individual who stands or stood in place of a parent, to the employee. This definition does not include parents “in law.”

For qualifying reason number 6, “son or daughter” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent of any age. “Spouse” means a husband or wife as defined or recognized under state law for purposes of marriage, including common-law marriage. “Parent” means a biological parent, or an individual who stands or stood in place of a parent, to the employee. “Next of kin” means the nearest blood relative other than the covered servicemember’s spouse, parent, son, or daughter.

9.05.08: Intermittent Leave or Reduced Work Schedule.

1. The employee may take FMLA leave for 12 consecutive weeks, 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 (or 26 weeks to care for a covered servicemember with a serious injury or illness) over a 12-month period.
2. If an employee needs leave intermittently for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt CAPCOG operations, subject to the approval of the health care provider. When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the supervisor as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by CAPCOG or division notice requirements applicable to such leave. CAPCOG may require additional information from the health care provider on the Certification of Health Care Provider for Employee’s Serious Health Condition form.

For the Employee’s Own or Family Member’s Serious Health Condition:

- Information that establishes the medical necessity of intermittent or reduced schedule leave.
- An estimate of the dates and duration of scheduled treatment and periods of recovery.

For Unforeseeable Leave for the Employee’s Own Serious Health Condition, Including Pregnancy:

- Information that establishes the medical necessity of intermittent or reduced schedule leave.
- An estimate of the frequency and duration of the episodes of incapacity due to the serious health condition.

Unforeseeable Leave for the Family Member’s Serious Health Condition:

- A statement that the leave schedule is medically necessary for the care of the family member, which can include assisting in the family member’s recovery.
- An estimate of the frequency and duration of leave.

CAPCOG 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, 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, CAPCOG 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.

9.05.09: Use of Paid and Unpaid Leave

If an employee has accrued sick or annual leave at the time the FMLA leave commences, the employee must exhaust those leave balances before being eligible for unpaid FMLA leave. Once the employee's leave balances have been exhausted, CAPCOG will then provide enough unpaid FMLA leave to total 12 weeks (or 26 weeks per FMLA as amended). During the unpaid portion of an employee's FMLA leave period, the employee does not accrue additional annual leave, sick leave, or any other type of leave.

9.05.10: Employee Notice to CAPCOG.

1. In the case of family or medical leave for birth or placement of a child, an employee must provide at least 30 days' advance notice before the date on which the leave is expected to begin. If the employee is unable to provide 30 days' notice, he or she must provide as much notice as is practicable; usually within one or two business days of the date the employee is aware of the need to request leave.
2. In the case of leave for a serious medical condition, if the leave is foreseeable based on planned medical treatment, the employee must consult with his or her supervisor and make a reasonable effort to schedule the treatment so as not to unduly disrupt CAPCOG's operations. An employee must provide the certification described in Section 9.05.09 if required on the "Notice of Eligibility and Rights & Responsibilities."
3. In the case that an employee seeks to use military caregiver leave, the employee must provide 30 days' notice or as soon as practicable. Copies of the relevant military orders must be submitted when available.
4. CAPCOG may retroactively designate leave as FMLA leave with appropriate notice to the employee provided that CAPCOG's failure to timely designate leave does not cause harm or injury to the employee.

9.05.11: CAPCOG Notice to Employee.

When an employee requests FMLA leave or CAPCOG acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, CAPCOG will provide the Notice of Eligibility and Rights & 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.

9.05.12: Certification of Serious Medical Condition or Need for Family Care.

1. The "Notice of Eligibility and Rights & Responsibilities" from CAPCOG may specify that the eligible employee must submit to the Executive Director or the personnel officer further information and/or one of the following certifications: (1) Certification of Health Care Provider for Employee's Serious Health Condition, (2) Certification of Health Care Provider for Family Member's Serious Health Care, (3) Certification of Exigency for Military Family Leave, or (4) Certification for Serious Injury or Illness of Covered Servicemember. The certification forms will be provided by the personnel office.
2. The certification must include: (1) the contact information for the health care provider, including name, address, telephone number, fax number, and type of medical practice / specialty; (2) when the serious health condition began; (3) how long the serious health condition is expected to last; (4) if the employee is the patient, whether the employee is unable to work, and the likely duration of this inability; (5) if a family member is the patient, whether the family member needs care, and an estimate of the frequency and duration of the leave required to care for the family member; (6) whether the employee's need for leave is continuous or intermittent; and (7) appropriate medical facts about the condition.

3. The employee must respond to the request(s) stated in the notice within 15 calendar days of the request or provide a reasonable explanation for the delay. Failure to provide certification with the required information may result in a delay or denial of leave.

CAPCOG may directly contact the health care provider for the verification or clarification of the medical certification using an HR professional or a management official. CAPCOG will not use the employee's direct supervisor for this contact. Before CAPCOG makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, CAPCOG will obtain the employee's or family member's permission to obtain clarification of individually identifiable health information.

An employee on FMLA leave must contact his or her supervisor to report on the status of the leave and on the employee's intention about returning to work as outlined in the "Notice of Eligibility and Rights & Responsibilities". Failure to contact CAPCOG's designee as indicated on the schedule required in the Notice is grounds for disciplinary action.

CAPCOG may request re-certifications no more often than every 30 calendar days and only in connection with the absence of the employee unless certain circumstances apply. CAPCOG can request recertification in less than 30 calendar days if:

1. If the employee requests an extension of leave;
2. Circumstances described by the previous certification have changed significantly; or
3. If the employer receives information casting doubt on the reason given for the absence or the continuing validity of the certification.

CAPCOG may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA leave. CAPCOG may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's or family member's health condition. Failure to provide required re-certifications is grounds for disciplinary action including dismissal.

9.05.13: Second, Third Opinions

CAPCOG may require a second opinion if there is doubt to the validity of the medical certification, as to the need for, duration of, and scheduling of family or medical leave. If the opinions of the employee's and CAPCOG's designated health providers differ, CAPCOG may require the employee to obtain a third certification from a third health care provider. The second and third opinions, if sought and obtained by CAPCOG, will be paid for by CAPCOG and will be obtained from independent health care providers who are not employed by CAPCOG. If a third opinion is obtained, the third opinion is final. The third health care provider must be approved jointly by both CAPCOG and the employee.

9.05.14: Return to Work

As a condition of restoring the employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, CAPCOG has a uniformly-applied policy that requires all similarly-situated employees (i.e., same occupation, same serious health condition) who take leave for such conditions to obtain and present certification from the employee's health care provider that the employee is able to resume work. The employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or providing sufficient authorization to the health care provider to provide the information directly to the employer) in the fitness-for-duty certification process as in the initial certification process. Requirement for the fitness-for-duty certification will be indicated on the "Designation Notice." The fitness-for-duty certification is to be completed by the same health care provider that prepared the Certification of Health Care Provider for Employee's Serious Health Condition.

1. The employee has the same obligations to participate and cooperate in the fitness-for-duty certification process as in the initial certification process.

2. CAPCOG may delay restoration of employment until the required fitness-for-duty certification (if required in the Designation Notice) is submitted.
3. If CAPCOG provided the required notice and an employee does not provide a fitness-for-duty certification or request additional FMLA leave, the employee is no longer entitled to reinstatement under the FMLA.

9.05.15: Employee Status and Benefits While on FMLA Leave.

1. CAPCOG continues the employee's group health coverage in the same manner and at the same level as it would have been had the employee continued in employment for the duration of the Family and Medical Leave period.
2. An employee on family or medical leave does not lose any previously accrued seniority or employment benefits. An employee does not earn any leave credits or other benefits during the unpaid portion of the employee's family or medical leave. After returning to work from the leave, an employee receives an adjusted employment date and adjusted anniversary date that reflects the period of time the employee was on unpaid family or medical leave. The adjusted date will be used for the purpose of calculating leave accrual and any other benefits based on longevity.
3. While an employee is on paid FMLA leave, CAPCOG will continue to make payroll deductions to collect any employee deduction for insurance premiums and any deduction elected or required by law or court order.
4. While on unpaid FMLA leave, the employee has the option to revoke certain group health coverages and FSA plan options. Options to continue payments for benefits while on unpaid FMLA leave must be discussed and agreements made with the Finance Division before planned FMLA leave commences. If the unpaid FMLA leave was not planned, the personnel officer and a Finance Division representative will contact the employee to discuss the employee's options.
5. The employee must continue to make payments for other insurance premiums, additional life, gym membership, or other payments that continue through the leave, either in person or by mail. The payment must be received in the Finance Division by the first day of each month. If the payment is more than 30 days late, the voluntary insurance(s) and memberships may be dropped for the duration of the leave and may not be reinstated until open enrollment.
6. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, CAPCOG's obligations under FMLA to maintain health benefits and to restore the employee cease. CAPCOG will require the employee to reimburse the agency the amount it paid for the employee's health insurance premiums and all other expenses paid by CAPCOG during the leave period.

9.05.16: Restoration to Work

After completion of an approved family or medical leave period, an employee will be returned either 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. CAPCOG may choose to exempt certain key employees from this requirement and not return them to the same or similar position. Employees will be notified of their key employee status on their Notice of Eligibility and Rights & Responsibilities.

9.05.17: Request for Extension of Family or Medical Leave

If an employee requests additional unpaid leave beyond the 12-week maximum allowable under this Section 9.05, any extension granted will be under the terms set out in Section 9.09, Other Leaves of Absence Without Pay. Employees should read Section 9.09 carefully and understand the differences between these two types of leaves before requesting an extension.

9.05.18: Documentation

All documentation regarding family and medical 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.

9.05.19: Additional Information

This Section 9.05 describes the major provisions of the Family and Medical Leave Act as Amended. Because the Act is detailed and complex, CAPCOG has posted a summary of the Act on its central bulletin board for employees' information, and employees are encouraged to contact the personnel office with any questions about this Section 9.05. If information in these *Personnel Policies* differs from the actual FMLA regulations, the regulations govern.

9.06: MILITARY LEAVE

CAPCOG recognizes the need to have a policy that addresses the employment and reemployment rights of regular full- and part-time employees who serve in the military. It is the policy of CAPCOG to comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 as Amended (USERRA) and applicable state laws which protect job rights and benefits for veterans and members of the reserves. The laws cover all persons serving in the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, and the reserve components of these services and the National Guard.

USERRA gives protection to those individuals who are absent from work for active duty, active duty for training, initial active duty for training (such as drills), funeral honors duty, inactive duty training, full-time National Guard duty (under federal, not state direction), and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty. In addition, also protected are those in service in the commissioned corps of the Public Health Service, those attending a military service academy, and those participating in a ROTC active or inactive duty training program. Covered service also includes an employee's service as an intermittent disaster response appointee upon activation of the National Disaster Medical System (NDMS) or as a participant in an authorized NDMS training program. Finally, in times of war or national emergency, the president has the authority to designate any category of persons called into the country's service at such times as a service member covered by USERRA's rights and protections.

A regular full or part-time CAPCOG employee on qualified military leave is eligible for 15 days of paid military leave per federal fiscal year. For leave that is longer than 15 days, the employee may request to use any accrued annual 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. The employee cannot be required to use paid leave.

9.06.01: Notice Period

Unless precluded by military necessity or circumstances under which the giving of notice is otherwise impracticable or unreasonable, the employee (or appropriate officer of the uniformed service in which the employee is to serve) must give as much advance written or oral notice as possible of the need for military leave. Copies of the relevant military orders must accompany the request for military leave approval.

9.06.02: Additional Information

This policy is not able to address all issues concerning an employee's rights during military leave. Insofar as issues arise that are not addressed in this policy, CAPCOG will abide by USERRA and any controlling state laws. Should an employee have any questions or require further information regarding military leave, they are directed to see the personnel officer.

9.07: 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 purpose of voting.

One hour of leave to vote will be granted to employees whose work schedule does not allow at least two consecutive hours to vote while the polls are open.

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

9.08: BEREAVEMENT LEAVE

All regular full-time and regular part-time employees are eligible for this benefit. Employees are allowed up to three consecutive days off from regularly scheduled duty with regular pay in the event of the death of a member of their immediate family as outlined in Section 9.01.05.

An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor immediately. Approval of leave is given by the Executive Director. Leave may be requested for other persons on a case by case basis.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. An employee may, with his or her supervisor's approval, use any available sick leave (see 9.04.01) or annual leave for additional time off as necessary.

9.09: LEAVES OF ABSENCE WITHOUT PAY

Leave of absence without pay is an approved absence from duty in a non-pay status for not more than six months, unless an extension is approved by the Executive Director. Extension of leave may be authorized by the Executive Director in no more than one-month intervals, and a careful review must be conducted prior to authorizing any extension. The reason(s) for granting the extension must be documented in writing in the employee's medical file if the leave is for medical reasons or in the employee's personnel file if the leave is for non-medical reasons.

Granting a leave of absence without pay is at the discretion of the Executive Director. Such leave is not authorized unless there is a reasonable expectation that the employee will return to employment with CAPCOG 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 or medical file, as set out above. Employees on extended leave of absence without pay receive no compensation and accrue no benefits; however, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms or conditions of the benefit programs or by these Personnel Policies. Group health benefits can be continued (see Section 14.10) if the employee pays the premiums (including CAPCOG's portion) and an administrative fee in full in a timely manner. CAPCOG's health provider may limit the length of time the medical benefits may be continued.

Upon return from leave of absence without pay, benefit accrual will be as follows: if some work occurs during the first week of the pay period, benefits that accrue will accrue at the full amount; if some work occurs only during the second week of the pay period, benefits that accrue will accrue at only half the amount. Benefit premiums such as medical, life, etc., paid by CAPCOG will continue based on the insurer's policies and federal regulations.

9.09.01: Revocation of Leave Without Pay

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

9.09.02: Authorized Reasons for Leave Without Pay

A leave of absence without pay may include but are not limited to:

1. Educational purposes that when successfully completed, will benefit CAPCOG;
2. Public service assignments;
3. Personnel exchange programs which emphasize intergovernmental relations;
4. Any other reason approved by the Executive Director which, in the judgment of the Executive Director, merits a leave of absence without pay; or
5. Military service (See also Section 9.06 Military Leave).

9.09.03: Conditions

An employee requesting an unpaid leave of absence must provide the Executive Director with a written statement explaining the reason for the leave and providing the date upon which the employee is no longer available to perform his or her duties and the expected length of time for the requested leave of absence. The request must contain his or her intentions about returning to work at CAPCOG. In determining whether or not to approve the request for leave without pay, the Executive Director will consider the employee's length of service with CAPCOG, past performance, the division's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties.

9.09.04: Reporting Requirements

An employee on unpaid leave of absence must contact his or her supervisor at least once each week to report on his or her status unless another schedule is agreed to in writing. Failure to provide required status reports or to contact the supervisor on the schedule required by CAPCOG may result in CAPCOG revoking the leave and taking disciplinary action up to and including dismissal.

9.09.05: Return to Work After Leave Without Pay

Upon returning to work after an authorized leave of absence without pay, an employee receives an adjusted employment date and adjusted anniversary date, which reflects the period of time that the employee used for the leave of absence. This adjusted date will be used for the purpose of calculating annual leave accrual and any other benefits that may be based on longevity. At the expiration of an authorized leave of absence without pay, CAPCOG will make a good faith effort to reinstate the employee in the same, or comparable, position; however, if no vacancy exists and a good faith effort to place the employee in another position has been unsuccessful, the employee will be separated and paid accrued benefits.

In case of conflict between this section and Section 9.05 Family and Medical Leave or 9.06 Military Leave, Section 9.05 or 9.06 controls.

9.10: ADMINISTRATIVE LEAVE

The Executive Director may authorize administrative leave, with or without pay, when warranted by [unforeseen](#) circumstances not otherwise provided for in these *Personnel Policies*.

9.11: INJURY LEAVE

For information on injury leave for bona fide, on-the-job, work-related injuries, please see Section 11, Health and Safety.

9.12: USING LEAVE IN COMBINATION

If an employee is sick or temporarily disabled for non-work-related reasons, and he or she exhausts accrued sick leave, CAPCOG will automatically begin applying any accrued annual leave credits.

Sick leave cannot be used for annual leave purposes when annual leave is exhausted. [If an employee's sick leave balance is exhausted, they must use any unused personal holidays or annual leave to cover any sick leave before requesting leave without pay.](#)

9.13: ABANDONMENT OF POSITION

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

This policy will be administered consistently with CAPCOG's obligations under the FMLA and ADA.

SECTION 10: HOLIDAYS

10.01: GENERAL POLICY

Regular full-time and regular part-time employees receive a total of 12 paid holidays. Pay is based on the normal hours worked per week. Temporary employees are not paid for holidays not worked. ~~The governing body has approved eleven paid holidays.~~ The following ten days are normally observed as agency paid holidays when all employees are granted leave and the agency is closed:

1. New Year's Day;
2. Martin Luther King's Birthday;
3. Presidents' Day;
4. Memorial Day;
5. Independence Day;
6. Labor Day;
7. Thanksgiving Day;
- ~~7-8.~~ and the ~~The~~ Friday following Thanksgiving;
9. Christmas Day; and
- ~~8-10.~~ and an ~~A~~ adjacent working day adjacent to Christmas ~~to be decided by the Executive Director~~

~~Optional Holiday~~

~~Personal Holiday~~

Employees will be notified of approved agency-holidays each year.

An employee who is absent without approved leave on the workday immediately preceding or following a holiday will not be paid for the holiday.

10.02: HOLIDAY DURING ANNUAL LEAVE AND FMLA LEAVE

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

If an official-agency holiday falls within an employee's approved FMLA leave (whether the leave is paid or unpaid), the employee will be paid for the holiday.

10.03: WORK DURING HOLIDAYS

If the Executive Director finds it necessary to do so, he or she may direct some or all employees of a division to report for work on any agency-holiday. Regular employees normally are given an alternate day off during the same workweek.

Non-exempt employees who are required to work on an agency-wide holiday, in addition to working their regular 40-hour workweek, will be compensated as follows:

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

10.04: OPTIONAL HOLIDAYS

~~In addition to the holidays listed in Section 10.01.01, employees may select one optional holiday per year from the approved list provided annually by the Executive Director.~~

~~New employees shall be eligible to observe an optional holiday 90 days after hire. Employees must request an optional holiday at least one month in advance in accordance with CAPCOG's leave request policy specified in Section 9.02.~~

~~If an optional holiday falls on a Saturday or Sunday, an employee may request the preceding or following weekday for observance of the optional holiday; however, such a request is subject to approval by the Executive Director.~~

10.045: PERSONAL HOLIDAY

CAPCOG employees receive ~~one up to two~~ Personal Holidays per calendar year. A Personal Holiday is a day off on a day the employee chooses and the supervisor approves, including any holidays that are not on the agency holiday list for the year that the employee wishes to take off. An employee is not eligible to take ~~the a~~ Personal Holiday until the employee has completed the initial Probationary Period. Personal Holidays are not accrued and must be used in the calendar year in which they are given. Personal Holidays not used on or prior to December 31 will be forfeited. Personal Holidays are not compensable upon separation. In accordance with federal law, supervisors are required to provide reasonable religious accommodations in the approval of the use of a Personal Holiday for any day that is not an agency holiday.

SECTION 11 HEALTH AND SAFETY

11.01 WORKPLACE VIOLENCE

11.01.01

Safety and security of employees and visitors is of prime importance to CAPCOG. A safe environment is free from violence and the fear of violence. ~~To achieve this, all CAPCOG employees while at work or representing CAPCOG are to conduct themselves in a professional manner consistent with good business practices.~~

11.01.02

Violence can be defined as a single behavior or a series of behaviors which constitutes actual or potential acts of aggression causing emotional or physical harm. Violence can take many forms which include but are not limited to emotional abuse, verbal abuse, direct or indirect threats, physical assault, sexual harassment, rape, hitting, pinching, biting, grabbing, kicking, shoving, pushing, intimidating, coercing, brandishing weapons, being struck by a weapon, retaliation, false or malicious statements, and threatening or talking of engaging in these activities. Any person who makes threats, exhibits threatening behavior, or engages in violent acts on CAPCOG property, on CAPCOG business, or at CAPCOG-sponsored events or functions will be removed from the premises as quickly as safety permits and may be banned from re-entry.

11.01.03

CAPCOG has zero tolerance for violence. Talk of violence or joking about violence will not be tolerated. If you engage in any such action, disciplinary action may be taken, up to and including termination.

11.01.04

All employees are responsible for establishing and maintaining a work environment that promotes professionalism and is free of actual or potential workplace violence. This responsibility includes being alert to situations in which workplace violence is occurring or is likely to occur, and immediately notifying their supervisor, personnel officer, or the Executive Director of any incidents or concerns.

11.01.05

Threats of violence may be overheard, read, or perceived. In order for CAPCOG to investigate such reports, CAPCOG reserves the right to enter or inspect your work area including, but not limited to, desks and computer storage disks, with or without notice. Desks, telephones, and computers are the property of CAPCOG. Any private conversations overheard, or private messages retrieved, that constitute threats against other individuals can and will be used as the basis for disciplinary action up to and including termination. It will be at the discretion of the Executive Director to ascertain whether or not a threat should be reported to the proper authorities.

11.01.06

Any individual who feels he or she has been the subject of workplace violence, or has identified a situation where workplace violence has or possibly could occur, should bring it to the immediate attention of his or her supervisor, the personnel officer, or the Executive Director. Appropriate confidentiality will be exercised. Any reports of threats or perceptions of threats will be taken seriously and appropriate action will be taken.

11.02: DRIVING ON CAPCOG BUSINESS

11.02.01

Employees who drive a vehicle on CAPCOG business must have access to their own reliable vehicle, maintain a safe driving record, have a valid driver's license, and vehicle insurance as required in the State of Texas.

11.02.02

Employees who drive a vehicle on CAPCOG business must inform the Executive Director or the personnel officer of any violations of law that affect his/her driver's license or who has his or her driving privileges suspended, revoked or barred for violating such statutes, including but not limited to operating a vehicle while intoxicated, vehicular homicide or habitual violation. Employees shall not be permitted to operate a vehicle on behalf of CAPCOG until the time when the Department of Transportation or the appropriate state licensing agency restores the employee's ability to drive. The suspension of driving on CAPCOG business shall take effect upon the notice to CAPCOG of the charge against the employee.

11.02.03

An employee whose position requires the possession and maintenance of a driver's license in order to perform the essential functions of the job and who subsequently has his or her license revoked, suspended, or the renewal denied is subject to disciplinary action up to and including dismissal after the exhaustion of all administrative proceedings before the licensing agency.

The Executive Director or the personnel officer will periodically check the driving records of all employees who operate vehicles on CAPCOG business.

11.02.04

Employees who drive a personal vehicle on CAPCOG business are required to have automobile liability insurance as required by the State of Texas and to maintain up-to-date insurance coverage. Each employee to whom this provision applies must furnish CAPCOG proof of required insurance coverage upon request. CAPCOG does not accept any liability for claims, charges or disputes that an employee might generate with their service provider for a plan under their name.

11.02.05

Any employee operating a vehicle while on CAPCOG business, whether their own personal vehicle or one owned by CAPCOG, must report all accidents and property damage or liability claims, no matter how minor, to the appropriate law enforcement authorities immediately, so that an official accident

report can be filed. The Director of Administration must be notified of the accident. Failure to notify the Director of Administration may result in disciplinary action.

A copy of any accident report involving a CAPCOG vehicle or personal vehicle while on CAPCOG business must be forwarded to the Executive Director and the Director of Administration as soon as the law enforcement investigation is completed. A copy of the accident report will be filed in the personnel file of the employee involved in the accident.

11.02.06

The following are CAPCOG guidelines for the use of mobile phones/PDAS while driving on CAPCOG business.

1. Engaging in CAPCOG business by talking, texting, and dialing with a mobile phone/PDA while the car is in motion is prohibited. The car must be stopped and in a safe location to re-enter traffic safely before talking, texting, or dialing. If there is the use of a "hands-free" device, then talking and dialing with the device is allowed.
2. Consider the driving conditions while talking with the "hands-free" device. If the conditions are dangerous because of weather or the amount of traffic, please consider postponing the conversation until conditions improve.

Failure to meet any of these requirements may result in disciplinary action up to and including dismissal.

11.03: ON-THE-JOB INJURIES

An employee must report every on-the-job accident or injury, no matter how minor, to his or her supervisor within 24 hours. The supervisor is responsible for seeing that a written accident report is filed immediately with the personnel officer.

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

11.03.01: Insurance

CAPCOG provides workers' compensation insurance for all of its 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 personnel officer immediately for appropriate action to be taken. The personnel officer must notify the Executive Director immediately upon receipt of a claim.

11.03.02: Medical Attention

An employee who sustains a bona fide, on-the-job, work-related injury must seek medical attention as outlined by the workers' compensation insurance provider. CAPCOG encourages employees to return to work as soon as they are able to do so.

11.03.03: Initiation of Injury Leave

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 CAPCOG.

If it is determined that the absence due to an on-the-job injury is a serious health condition as defined under Section 9.05, Family and Medical Leave (FMLA), the employee will also be placed on FMLA leave and the FMLA leave will run concurrently with the injury leave.

11.03.04: 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 any legally authorized deductions from CAPCOG for seven (7) days.

If accrued sick leave is not available, the employee is placed on leave without pay for the first seven (7) days.

After the seven (7) day waiting period an employee with accrued sick leave may elect to supplement his or her workers' compensation payments with sick leave payments from CAPCOG provided that the employee has adequate accrued sick leave on the books. The supplemental sick leave check from CAPCOG will be in an amount that, when added to the workers' compensation payment, equals the employee's regular "take home" pay (that is, the employee's gross salary minus income tax, social security deductions, and any other deductions that are not applicable to the workers' compensation pay). The employee must sign a leave request form to exercise this option.

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

11.03.05: Duration of Injury Leave

The maximum duration of injury leave is 104 weeks.

11.03.06: Termination of Injury Leave

1. The date the employee reaches maximum medical improvement (the point that the work-related injury or illness has improved as much as it is going to improve);
2. The date the employee is again physically able to earn his or her average weekly wage (the wage the employee was earning prior to being injured on the job);
3. The date the worker's compensation payments end; or
4. The Executive Director receives evidence that the employee, while able to return to work, has not done so.

11.03.07: Continuation of Health Benefits

To continue coverage under CAPCOG's group health plan when the employee is on injury leave and no longer receiving a regular paycheck, the employee must pay both the employee's and CAPCOG's portions of these premiums to the appropriate provider on the schedule established by the benefit provider. This provision applies to employees who are away from the job on injury leave in excess of 30 calendar days. CAPCOG will continue paying health premiums for the employee during the first 30 days of injury leave.

While the employee is concurrently on injury leave and FMLA leave, the group health plan premiums will be paid according to Section 9.05, Family and Medical Leave.

11.03.08: Reporting Requirements

While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the health care provider for consultation or treatment, he or she must provide a written progress report from the provider to the Executive Director, or his or her 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 Executive Director, or his or her designee. In addition, the injured employee must contact his or her supervisor on a specified schedule, to report on his or her condition. Failure to provide the required progress reports or to contact the personnel officer on the specified schedule is grounds for revoking the employee's leave and for taking disciplinary action.

11.03.09: Return to Service

A written statement from the employee's health care provider 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 CAPCOG before an employee may return to work. All employees on injury leave must return to work after being released by either the employee's health care provider or an independent health care provider paid by CAPCOG. Failure to return to work when directed will result in appropriate disciplinary action. Upon receipt of a release to return to work,

CAPCOG may require the employee to submit to a medical examination, paid for by CAPCOG, 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 will be separated. CAPCOG's efforts to reasonably accommodate the employee will be conducted in accordance with applicable law.

11.03.10: Light Duty Status

During the course of injury leave, if an employee is released by his or her health care provider for light duty, CAPCOG will evaluate the employee's previous job or one or more alternative job assignments for the employee for a determination of whether a temporary position is available in which CAPCOG can use the employee's limited services until the employee is capable of returning to his or her previous job.

If no acceptable light duty assignment can be found, the employee will continue on Family or Medical Leave if there is any leave remaining under Section 9.05, or on leave of absence without pay under Section 9.09 until, in either event, the employee is released by the health care provider to return to his or her previous job or the maximum duration of injury leave is reached.

An employee who is able to return to work in light duty status is a temporary employee and may be required to work in a different division and perform duties not contained within his or her current job description. 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 may not exceed 90 days. In addition, the employee will receive workers' compensation payments in a reduced amount.

If while on concurrent injury leave and FMLA leave the employee is certified by the treating health care provider to be able to return to a light duty job and the employee declines CAPCOG's job offer, the employee may lose workers' compensation payments, but will be entitled to remain on FMLA leave until the 12-week entitlement is exhausted. At the point that the light duty job is not accepted, CAPCOG will require that all accrued paid leave be used for the remainder of the FMLA leave.

11.03.11 Final Release or Settlement

At the time of final release or settlement of a workers' compensation claim, the employee must furnish CAPCOG with a certificate from the employee's health care provider stating the status of the employee's physical or mental condition and an anticipated return to work date.

In case of conflict between this section and Section 9.05, Family and Medical Leave, this section controls.

11.04: TOBACCO-FREE WORKPLACE

CAPCOG is a tobacco free workplace. Smoking or use of smokeless tobacco is not permitted in the workplace or within 15 feet of the building. This prohibition against smoking applies to smokeless electronic devices or cigarettes.

11.05: DRUG-FREE WORKPLACE

CAPCOG intends to provide a safe, alcohol and drug-free work environment for our employees and others having business with the agency. To promote this goal, CAPCOG has adopted a Drug and Alcohol Abuse Policy to establish CAPCOG as a Drug-Free Workplace.

Each employee of CAPCOG is furnished a copy of the policy upon hire and when the policy is amended. All employees are required to read the policy and sign a form verifying that they have read the policy and agree to the terms of the policy. The employee's signature on the form is a condition of employment.

11.06: FIREARMS

Employees, who are not licensed peace officers, are not permitted to openly carry firearms while on CAPCOG's premises, while at client work locations on CAPCOG business, while in CAPCOG-owned vehicles, or while acting as a CAPCOG representative at any work-related activities, meetings, or functions.

As authorized by Section 411.203 of the Texas Government Code, CAPCOG prohibits employees holding a License to Carry a Handgun to openly carry a handgun while on CAPCOG's premises, while at client work locations on CAPCOG business, while in CAPCOG-owned vehicles, or while acting as a CAPCOG representative at any work-related activities, meetings, or functions.

Receipt of this policy qualifies as written notice as required by Section 30.07 of the Texas Penal Code that, pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

Employees holding a License to Carry a Handgun must comply at all times with applicable state laws concerning transport, security, and safe storage in a discreet manner.

This policy is intended to comply with all applicable state laws concerning employee rights to possess and carry firearms and shall be interpreted and enforced accordingly.

11.07: REASONABLE SEARCHES OF CAPCOG PREMISES

CAPCOG reserves the right to conduct reasonable searches of CAPCOG owned or leased property to monitor compliance with rules concerning security of CAPCOG and individual property and other personal items. Employees should have no expectation of privacy within all areas of the CAPCOG premises. The Executive Director, or his or her designee, may at any time, commence a search of the premises. The premises include all work areas/desks, file cabinets, lockers, CAPCOG vehicles, personal vehicles parked on CAPCOG leased premises and any personal property located on CAPCOG premises. Submission to such a search is a condition of employment. Refusal to submit to a search may lead to immediate termination.

11.08: EMPLOYEE SUGGESTIONS

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

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

SECTION 12: CAPCOG PROPERTY

12.01: GENERAL POLICY

CAPCOG attempts to provide each employee with equipment and space 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.

12.02: USE OF TOOLS, EQUIPMENT, AND PROPERTY

Employees who are assigned tools and equipment or any other CAPCOG property by their divisions are responsible for them and for their proper use and maintenance. Personal or political use of CAPCOG property, materials, supplies, tools, and equipment is not permitted. If an employee is in doubt about a particular use, he or she must check with his or her supervisor before proceeding. Violations of this policy may result in dismissal and possible prosecution.

12.03: USE OF BUILDINGS AND PREMISES

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

SECTION 13: DISCIPLINE

13.01: GENERAL

All CAPCOG employees are employed at-will by CAPCOG, within the provisions of state and federal law regarding public employment, and may be dismissed from CAPCOG employment at any time, with or without notice, for any reason or no reason.

In the first 90 days of employment, a new employee is in his or her probationary period of employment. During the probationary period an employee whose performance is unsatisfactory will be terminated if he or she fails to demonstrate ability or desire to perform at an acceptable level.

As described in Section 13.02 and subject to the qualifications stated in that section, Outside-outside the probationary period of employment, a progressive disciplinary process will be used.

Employee conduct that may result in disciplinary action includes, but is not limited to, the following:

1. Displaying a disrespectful and/or inappropriate behavior toward a visitor, employee, or supervisor;
2. Absent Without Leave including absence without permission, failure to notify a supervisor of sick leave, repeated tardiness or early departure or leave for a reason unsatisfactory to CAPCOG;
3. Endangering the safety of the employee and/or other persons through negligent, reckless, or intentional conduct;
4. 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 CAPCOG Substance Abuse Policy;
5. Misusing or willfully neglecting agency property, funds, materials, equipment, or supplies;
6. Conviction of a felony or crime of moral turpitude;
7. Conviction of official misconduct, oppression, or perjury;
8. Falsification of documents or records;
9. Unauthorized use of official information or unauthorized disclosure of confidential information;
10. Unauthorized or abusive use of official authority;
11. Conducting oneself in any manner which is offensive, abusive or contrary to common decency or morality; carrying out any form of harassment including sexual harassment;
12. Incompetence, neglect of duty, or inadequate job performance;
13. Disruptive behavior which impairs the performance of others;
14. Willful violation of safety rules or agency policies; or
15. Other violation of any of the requirements of these *Personnel Policies*.

13.02: PROGRESSIVE DISCIPLINE

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. CAPCOG will use a progressive discipline system in the interest of providing guidance to employees with disciplinary problems thereby avoiding dismissal. The progressive discipline system does not alter the at-will employment relationship, however.

The progressive discipline system, steps of which may be skipped, is as follows:

1. **Oral Warning** - given by supervisor when situations occur that are deemed less serious in nature. The documentation of the warning is made on the Employee Counseling Report (ECR) and kept in the supervisor's records. The Executive Director is to review the ECR before the discussion with the employee.

2. **Written Warning** – approved by the Executive Director and presented by the supervisor when the oral warnings have not resolved the issue or the situation warrants more than an oral warning. This warning is documented on the ECR and a copy will be presented to the employee. If oral warnings have been given for the same issue, the oral warning documentation accompanies the written warning and both shall be kept in the employee’s personnel file.
3. **Conference with Executive Director** may occur in order to impress upon the employee the importance CAPCOG places on the behavior or performance being corrected. The supervisor and/or personnel officer may be in attendance.
4. **Probation is a specified period of time** for an employee to demonstrate improved performance. Action following probation may include reduction in pay, suspension from duty, demotion, or dismissal.
5. **Reduction in pay without demotion.**
6. **Disciplinary Demotion** - Circumstances due to an employee’s poor work performance or behavior may warrant the removal of certain responsibilities that would reduce the position to a lower grade. The demotion could be loss of duties only, or may include loss of compensation (salary cannot be above the maximum of the new salary grade).
7. **Suspension from duty, with or without pay, not to exceed 30 days.** The suspension may be renewed, after informal review of the circumstances, in increments not to exceed 30 days.
8. **Dismissal.**

Disciplinary action requires the advance approval of the Executive Director unless an emergency situation exists.

Disciplinary action must include a completed ECR containing the information relevant to the discipline with a copy provided to the employee (except in the case of an oral warning). The ECR documents:

1. The reason for the action referencing the Personnel Policies, Job Description, or any CAPCOG policy the employee has signed in agreement to, or any policy to which the Executive Director has issued written or oral interpretations or clarifications of the Personnel Policies to justify the action;
2. Suspension, if applicable, with or without pay;
3. Probation time period, if applicable;
4. Disciplinary demotion with explanation of duties and pay, if applicable;
5. Reduction in pay, if applicable;
6. Expected improvement in performance or behavior; and
7. The possible consequences of further unsatisfactory performance or conduct.

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 the disciplinary requirements.

SECTION 14: SEPARATIONS

14.01: ~~_____~~ TYPES OF SEPARATIONS

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

1. Resignation;
2. Retirement;
3. Reduction in Force;
4. Dismissal;
5. Disability; or
6. Death.

14.02: RESIGNATION

CAPCOG requires that an employee who intends to resign provide the Executive Director and his or her supervisor with written notice of the resignation. [In order to allow for adequate time to transition responsibilities, Employees-employees](#) with program [or project](#) management responsibilities are required to provide notice 15 business days in advance of the resignation date and must seek approval from the Executive Director for any leave scheduled prior to providing notice. All other employees are required to provide 10 business days in advance of the resignation date. Any request for leave, including leave previously approved, that falls within the notice period must be approved by the [executive Executive director-Director](#) once a resignation has been made. This notice is to be provided prior to the commencement of the 15 or 10 business days. The 15 or 10 days' notice is not to include any days that CAPCOG is scheduled to be closed due to holidays. [Upon submission of a resignation notice, any existing telecommute agreement and flexible schedule is automatically withdrawn, although the employee's supervisor may approve limited telecommuting and alternative schedules for the employee's remaining time on a case-by-case basis if doing so would not interfere with the transition of responsibilities.](#)

An employee who fails to comply with this section forfeits any payment for accumulated leave due under Section 14.08. The Executive Director may waive the notice requirement, in whole or part, for good cause.

If an employee submits a letter of resignation but returns to CAPCOG employment in another capacity, employment and benefits will be handled in the following manner unless negotiated otherwise:

1. Accrued vacation and sick leave balances will be paid based on Sections 9.03.03 and 9.04.10 on the first paycheck following the "resignation date".
2. Seniority will return to the level of a new hire in all matters except for the CAPCOG Retirement Plan, where applicable.
3. Re-employment to a regular position requires following the application process in Section 4.00.

14.03: RETIREMENT

The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice may be required to start retirement payments promptly. Age of retirement for purposes of the CAPCOG Retirement Plan is 65.

See the sections of these *Personnel Policies* under the section on Benefits for additional information on retirement.

14.04: REDUCTION IN FORCE

An employee may be separated when his or her position is abolished, or when there is either a lack of funds or a lack of work.

When reductions in force are necessary, decisions on individual separations will be made after considering:

1. The relative necessity of each position to the organization;
2. The performance record of each employee;
3. Transferability of the employee's skills to remaining positions within CAPCOG; and
4. The employee's length of service with CAPCOG.

14.05: DISMISSAL

All CAPCOG employees are employed at-will by CAPCOG, within the provisions of state and federal law regarding public employment, and may be dismissed from CAPCOG employment at any time, with or without notice, for any reason or no reason not prohibited by law.

CAPCOG employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance, pending results of an investigation, or conduct and /or violation of CAPCOG policies or

procedures, are not eligible for rehire. CAPCOG also reserves the right in such instances to withhold pay for any accrued and unused annual or sick leave.

14.06: LONG-TERM ABSENCE

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

This policy will be administered consistently with CAPCOG's obligations under the Americans with Disabilities Act.

14.07: DEATH

If a CAPCOG employee dies, his or her designated beneficiary or estate receives all pay due and any earned and payable benefits as of the date of death.

14.08: CALCULATION OF SEPARATION PAY

Upon separation from CAPCOG employment, an employee will be paid for accrued, unused annual leave up to the maximum allowable accumulation limit and accrued, unused sick leave within the guidelines set forth in sections 9.03.03 for annual leave and 9.04.10 for sick leave. If the employee leaves ~~on~~[at the end of](#) the last business day of the pay period, leave normally accrued during the pay period will be included.

Payment for such leave balances will be included in the employee's final paycheck.

The final paycheck will be processed on the next regularly scheduled payday.

Employee authorized deductions will be verified by the employee for the final paycheck. -Other deductions may be made by CAPCOG based on the signed CAPCOG Pay Deduction Authorization Agreement.— [CAPCOG may withhold payment for the replacement value of any equipment that has not been returned by the end of their final day of employment until such time as the employee returns the equipment.](#)

14.09: DOCUMENTATION OF SEPARATIONS

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

The date of termination will be considered the last active day of work. Annual leave, sick leave, or holiday leave cannot be used as a date of termination unless approved by the Executive Director.

14.10: CONTINUATION OF GROUP HEALTH BENEFITS

The federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), as amended, provides individuals with the option of continuing group health and dental coverage, under specified conditions and at the individual's full expense, beyond the date at which the benefits would otherwise terminate. The CAPCOG personnel officer has information regarding the continuation of these benefits.

14.11: EMPLOYMENT REFERENCES

CAPCOG will furnish an employment reference for a current or former employee only in response to a written request for the reference received from an individual or organization for which the employee provided written authorization to obtain the reference. The reference will furnish the following information only: the dates of employment, the employee's beginning and ending salary, and the employee's beginning and ending job title. The Executive Director will designate an employee to furnish references, and only that employee may do so.

SECTION 15: GRIEVANCES

Definition of Grievance: Unequal and/or unlawful treatment, interpretation and/or application of all CAPCOG policies, procedures or practices; and retaliation.

15.01: PROCEDURE

15.01.01: 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.

15.01.02: 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 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 choosing.

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 10 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 10 working days from the date the grievance decision was received or, if no written decision was received, within 20 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 the 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 10 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.

15.01.03: Grievances Relating to Sexual Harassment or Harassment Based on Protected Characteristics

Grievances relating to sexual harassment or harassment based on protected characteristics will not be handled within the formal grievance procedure. Employees wishing to pursue such claims should contact their supervisor, the personnel officer, or the Executive Director.

15.01.04: Requirement 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 is a determination that the employee is satisfied with the last decision, and bars further appeal.

15.01.05: 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.

SECTION 16: JOB DESCRIPTIONS AND PERFORMANCE EVALUATIONS

16.01: JOB DESCRIPTIONS

The Executive Director shall establish and may periodically review an official job description for positions in CAPCOG. A current job description signed by the employee must be available in every personnel file.

16.02: 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.

16.03: EMPLOYEE PERFORMANCE EVALUATIONS

Supervisory personnel shall conduct a written performance evaluation and an evaluation interview with each CAPCOG employee at least annually. Performance evaluation records are maintained in each employee's personnel file.

An annual evaluation form shall be provided for all supervisors to use. The annual evaluation shall be completed and delivered to the Executive Director on a schedule set forth by the Executive Director.

The governing body shall evaluate the Executive Director's performance at least annually.

SECTION 17: PERSONNEL FILES AND MEDICAL RECORD FILES

17.01: GENERAL

Personnel records, except medical records, are maintained by the personnel officer or his or her designee.

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

Each employee may choose whether CAPCOG discloses the employee's home address, telephone number, social security number, and the existence of family members to the public on request. If a new employee does not request confidentiality within the first 14 days of employment, this information is considered public information. However, employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the personnel officer.

An employee or his or her representative designated in writing may examine the employee's personnel file with 24-hour advance notice during normal working hours at CAPCOG offices under the supervision of the personnel officer or the Executive Director's designee.

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 personnel file will be reviewed to verify that only the specific employee's information is in the folder. The supervisor will be allowed to view the file under the supervision of the personnel officer or the Executive Director's designee.

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

17.02: PERSONNEL ACTION NOTICE

The Personnel Action Notice 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 Title and Classification;
3. Pay Group and Rate; and
4. Other Actions Affecting the Employee's Status.

The Personnel Action Notice 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 Notice form becomes a permanent part of the employee's personnel file, and a copy shall be given to the employee upon request.

17.03: CONTENTS OF PERSONNEL FILES

An employee's official personnel file may contain some of the following:

1. A copy of the employee's application for employment/resume;
2. A signed copy of the employee's acknowledgment of having read a copy of the Personnel Policies and all amendments to the Personnel Policies;
3. A signed copy of the employee's acknowledgment of having read a copy of the Substance Abuse Policy and all amendments to that policy;
4. A signed copy of the "CAPCOG Ethics Policy Acknowledgement";
5. Employee's signed job description(s);
6. Election to Disclose or Keep Confidential Personal Information Form;
7. Personnel Action Notices;
8. Records of any citations for excellence, awards for good performance, or job-related training/education;
9. Records of disciplinary action(s);
10. Performance evaluations;
11. Copies of any grievances and related materials;
12. Authorizations for deductions such as a W-2, retirement deferral, or 401(k) loan payment;
13. Any other pertinent information having a bearing on the employee's status; and
14. Any written statements from the employee explaining, rebutting, or clarifying other items in the file.

An employee's personnel file does not contain information regarding an employee's medical record(s), nor does it contain any information relating to drug testing.

17.04: LEAVE RECORDS

Official records of annual 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.

17.05: MEDICAL RECORDS FILES

Federal law requires that CAPCOG maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, CAPCOG maintains a separate medical file for each employee. The personnel officer maintains these confidential medical files.

Examples of information that may be provided to CAPCOG by an employee or the employee's health care provider, and maintained in the confidential medical file, include:

1. A note to justify an absence;
2. A note to request a leave;
3. A note to verify the employee's ability to return to work;
4. Medical records to support a claim for sick pay or disability benefits;
5. Insurance records;
6. Workers' compensation records; and
7. Medical history records.

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

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or the personnel officer. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' 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.

SECTION 18: TRAVEL AND SUBSISTENCE

18.01: GENERAL POLICY

The policy of CAPCOG is that employees are to be reimbursed for necessary and reasonable job-related expenses incurred in the authorized conduct of CAPCOG business, including business-related travel. Employees must complete a "Travel Request Form" before any out-of-state travel, in-state conference travel (involving more than mileage and meal costs) or any travel which involves an overnight stay is authorized. The request should include an estimate of costs to be incurred. At the discretion of the Executive Director, a cash advance may be made for a specific trip in an amount not to exceed the trip's estimated expenses. Regardless of whether a cash advance has been made or a request submitted for reimbursement of expenses, all travel expenses are subject to 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 CAPCOG's budget. In some cases, CAPCOG may prepay such expenses as registration fees and/or airline or other public transportation costs directly to the vendor.

The employee must file an expense report within 30 days following the trip or the claim for reimbursement is barred. Allowable expenses claimed will be used to offset a cash advance. If the employee's trip expenses exceed the cash advance amount, the employee will be reimbursed for the difference. If the employee's cash advance exceeds the allowable trip expenses, the employee must pay the difference to CAPCOG with the trip expense report.

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.

18.02: TRANSPORTATION AND SUBSISTENCE

Refer to the Travel Guidelines for specific instructions on all travel.

18.02.01: In-Region Travel

All employees are entitled to reimbursement for travel within the CAPCOG region when traveling on CAPCOG business. Reimbursement will be based on the current State of Texas mileage rate.

18.02.02: Out-of-Region Travel

All employees conducting CAPCOG business outside of the CAPCOG region are entitled to reimbursement for mileage during trips which do not require an overnight stay, and for lodging and per diem only for trips that do require an overnight stay.

18.02.03: Established Costs

At the start of each fiscal year, the Executive Director shall approve travel guidelines for the implementation of this policy that will include mileage, public transportation, meal, lodging and other reimbursement rates in accordance with applicable state and federal law. Employees shall endeavor to stay at the most reasonably priced motel/hotel taking into consideration total estimated trip costs including transportation. In the event that more than one employee is traveling to the same destination by auto, reasonable efforts shall be made to share transportation.

Employees may make a written request for exception to the approved travel guidelines for good reason; the request must be made prior to the proposed trip and approval is at the discretion of the Executive Director.

Employees may not be reimbursed for expenses of entertainment, alcoholic beverages, guest travel, or other costs not directly related to CAPCOG business.

SECTION 19: PROFESSIONAL DEVELOPMENT

19.01: GENERAL POLICY

CAPCOG encourages its regular full-time and part-time (at least 20 hours per week) employees to take advantage of educational or training opportunities and professional memberships which are related to and will enhance the performance of the employees' work with CAPCOG.

19.02: TUITION REIMBURSEMENT

Subject to prior approval of the Executive Director and availability of funds, employees paid from a grant, will be reimbursed tuition only if funding is provided by the grant. All tuition reimbursement must be directly related to the employee's current job requirements and documentation of a direct benefit to CAPCOG and the funding agency must be provided. Any employee receiving a tuition reimbursement must agree to reimburse CAPCOG for any tuition reimbursed within the preceding two years if the employee resigns from his position with CAPCOG.

19.03: REQUIRED ATTENDANCE AT SEMINARS AND CONFERENCES

When CAPCOG requires an employee to attend any educational seminar, conference, or training course, CAPCOG will pay for the employee's time, as allowed or required by law. CAPCOG will reimburse the employee for associated costs, including registration fees and authorized travel, meals, and lodging expenses. When appropriate, CAPCOG may prepay registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved. Refer to the Travel Guidelines for specific information on travel.

19.04: PROFESSIONAL MEMBERSHIPS AND SEMINARS

Subject to the prior approval of the Executive Director, CAPCOG may pay an employee's professional association dues when the association is related to his or her work at CAPCOG. Also subject to the Executive Director's prior approval, travel expense 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.

19.05: PROFESSIONAL DEVELOPMENT REPAYMENT POLICY

19.05.01: General Policy

During the course of employment, training opportunities and conferences may be identified as a means to expand an employee's ability to perform current or expanded duties, or to allow professional certification related to current duties. If CAPCOG has paid for the employee's professional development, it may seek repayment of its payments if the employee separates from CAPCOG's employment within the time periods specified in Section 19.05.02. Repayment will be prorated based on the type of professional development, total cost, and separation date. At the time documents are processed for approval for any professional development when funds expended by CAPCOG will be subject to this repayment policy, the employee will be notified the event has triggered this section of the Personnel Policies.

19.05.02: Repayment Period

Tuition at an institution for higher learning/ training to receive professional certification – An employee can separate after 730 days (two years) from the date the last payment was made by CAPCOG with no repayment requirement. If the employee separates before the 730 days have passed, the amount repaid to CAPCOG will be the percent of the days remaining of the 730 days. (Example: 150 days remain of the 730 days; the repayment percentage is 20% of the total cost.)

Travel and attendance at a conference/ continuing education course or seminar – An employee can separate after 92 days (three month average) from the return of the travel or completion of continuing education with no repayment requirements. If the employee separates before the 92 days has passed, the amount repaid to CAPCOG will be the percent of the days remaining of the 92 days. (Example: 52 days remain of the 92 days; the repayment percentage is 56% of the total cost.)

SECTION 20: OTHER ADMINISTRATIVE POLICIES

[From time to time, CAPCOG's Executive Director may administratively adopt and amend various policies and guidelines governing the employee-employer relationship without needing to formally amend these policies through direct approval by CAPCOG's Executive Committee. Examples of such documents include:](#)

- [1. Business Continuity Plan;](#)
- [2. Building Use Guidelines;](#)
- [3. Dress Guidelines;](#)
- [4. Drug and Alcohol Abuse Policy;](#)
- [5. Facility Security Guidelines;](#)
- [6. Ethics Policy;](#)
- [7. Guideline for Compensatory Time;](#)
- [8. Guideline for Hiring Interns;](#)
- [9. Guideline for Completing Timesheets for Holidays and Condensed or Part-Time Schedules;](#)
- [10. Health Information Privacy Policy;](#)
- [11. Procedures after Sick leave is Exhausted;](#)
- [12. Stipend Policy;](#)
- [13. Telecommuting Policy; and](#)

[14. Travel Policy.](#)

DRAFT

EXECUTIVE COMMITTEE MEETING

MEETING DATE: June 14, 2023

AGENDA ITEM: #5 Consider Authorizing Negotiation of a Contract for CAPCOG Website Redevelopment

GENERAL DESCRIPTION OF ITEM:

CAPCOG is seeking to redevelop its main website, capcog.org, to improve the management of the website's content and enhance the site's user experience by improving navigation, increasing dynamic interactions with users, and creating a more integrated space for static and dynamic content to live side by side. These features should help all website visitors to better find information valuable to them, including those who don't regularly access specific data and reports.

The previous redevelopment of the website focused on visual designs changes. This project will build upon those visual elements but focus on allowing CAPCOG staff to create and change dynamic content as its programs grow and change. It also will be built in a manner so CAPCOG is less reliant on a developer to create or remove specialized content pages that may have a limited or one-time use, such as communicating how to apply for EDA CARES Act funding opportunities. It will include being able to easily create content displays that are currently unavailable for individual webpages, such as tables, expandable text fields, and interactive link buttons without having to html code those features.

CAPCOG is seeking to procure Presley Design Studio, Inc. to design and develop the site for a cost not to exceed \$60,000, with a possible \$7,000 recurring annual cost for the site's licenses, hosting and maintenance through a Texas Department of Information Resources contract. CAPCOG has worked with Presley Design Studio on several projects to include: WarnCentralTexas.org, CommuteSolutions.org, and training.capcog.org. The firm is familiar with CAPCOG's operations, which will lower CAPCOG's discovery and audience review cost. It also has the lowest overall development cost per hour, \$99.74/hour, when compared to other website developers reviewed on DIR.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER: **Mason W. Canales, CAPCOG Public Information Coordinator**

BUDGETARY IMPACT:

Total estimated cost: Not to exceed a one-time cost of \$60,000 and \$7,000 annual cost.

Source of Funds: IT Cost Pool

Is item already included in fiscal year budget? Yes No

Does item represent a new expenditure? Yes No

Does item represent a pass-through purchase? Yes No

If so, for what city/county/etc.? _____

PROCUREMENT: **Cooperative purchasing through Texas Department of Information Resources (DIR)**

ACTION REQUESTED:

Approve negotiation with Presley Design Studio Inc. for the website redevelopment of capcog.org for a one-time cost not to exceed \$60,000 and a recurring annual cost of \$7,000.

BACK-UP DOCUMENTS ATTACHED:

1. Procurement Memo
2. DIR Contract for Presley Design Studios Inc.
3. Presley Design Studio Inc. DIR discount cost sheet

BACK-UP DOCUMENTS NOT ATTACHED *(to be sent prior to meeting or will be a handout at the meeting):*

None



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www.capcog.org

BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

MEMORANDUM
May 25, 2023

TO: Betty Voights, CAPCOG Executive Director

FROM: Mason W. Canales, CAPCOG Public Information Coordinator

RE: Capcog.org Redevelopment Procurement

CAPCOG is seeking to procure Presley Design Studio Inc. (Presley) to redevelop capcog.org for an amount not to exceed a one-time cost of \$60,000 and an annual licensing, maintenance and hosting cost of \$7,000. The actual website development cost will be determined based on a website scope created by CAPCOG staff and negotiated with Presley. Depending on feasibility of some aspects of the re-development, the licensing, maintenance and hosting cost could result in a significantly lower ongoing cost as the site may be hosted in the same virtual space as training.capcog.org, which has stronger cybersecurity measures and larger bandwidth capabilities than is needed for capcog.org, because training.capcog.org collects personal identifiable information and can see a larger surge of users.

CAPCOG would procure Presley through the use of a Texas Department of Information Services (DIR) contract, which has discounted rates negotiated by the state. CAPCOG reviewed several vendors on the DIR cooperative purchasing board and found Presley to be the overall lowest cost per hour vendor for completing all website development work, such as project scoping, programing, CMS maintenance, hosting and project management.

Vendor	Web Developer Rate - DIR	Other Task Rate-DIR (Low)	Other Task Rate-DIR (High)	DIR Discount from MSRP
Presley	\$99.74	\$99.74	\$99.74	10.00%
Webhead	\$99.28	\$72.20	\$135.38	9.75%
Monkee-Boy	\$165.00	\$165.00	\$165.00	21.21%
Brightleaf	\$185.00	\$185.00	\$185.00	21.00%

Presley Design Studio is a vendor which has developed other CAPCOG website's to include: CommuteSolution.org, WarnCentralTexas.org and training.capcog.org. Through its work, CAPCOG has found Presley to be qualified not only in web-development work but in finding solutions to many online tasks CAPCOG seeks its websites to perform, such as calculating an individual's emissions use and registering and paying for training opportunities. Hiring Presley provides CAPCOG with the advantage that it understands our agency which will reduce Presley's discovery costs and allows CAPCOG to forgo some aspects of website development that CAPCOG believes are unnecessary to include audience surveys and a webpage SEO audit. By hiring Presley, CAPCOG also will seek to integrate traing.capcog.org back into capcog.org allowing those searching for training opportunities to visit one web address to see a variety of information and eliminate staff time on duplicating entries for event and registration pages.

STATE OF TEXAS
DEPARTMENT OF INFORMATION RESOURCES

CONTRACT FOR SERVICES

Presley Design Studio, L.C.

1. Introduction

A. Parties

This Contract for Services ("Contract") is entered into between the State of Texas ("State"), acting by and through the Department of Information Resources ("DIR") with its principal place of business at 300 West 15th Street, Suite 1300, Austin, Texas 78701, and Presley Design Studio, L.C. ("Vendor"), with its principal place of business at 109 Water Street. Belton, Texas 76513.

B. Compliance with Procurement Laws

This Contract is the result of compliance with applicable procurement laws of the State. DIR issued a solicitation on the Comptroller of Public Accounts' Electronic State Business Daily, Request for Offer (RFO) DIR-TSO-TMP-423, on February 6, 2018 for Comprehensive Web Development and Managed Services. Upon execution of this Contract, a notice of award for RFO DIR-TSO-TMP-423 shall be posted by DIR on the Electronic State Business Daily.

C. Order of Precedence

This Contract; Appendix A, Standard Terms and Conditions For Services Contracts; Appendix B, Vendor's Historically Underutilized Businesses Subcontracting Plan; Appendix C, Pricing Index; Appendix D, Statement of Work; Vendor's Response to RFO DIR-TSO-TMP-423, including all addenda; are incorporated by reference and constitute the entire agreement between DIR and Vendor. In the event of a conflict between the documents listed in this paragraph, the controlling document shall be this Contract, then Appendix A, then Appendix B, then Appendix C, then Appendix D. In the event and to the extent any provisions contained in multiple documents address the same or substantially the same subject matter but do not actually conflict, the more recent provisions shall be deemed to have superseded earlier provisions.

2. Term of Contract

The initial term of this Contract shall be two (2) years commencing on the last date of approval by DIR and Vendor, with two (2) optional one-year renewal. The contract will renew automatically under the same terms and conditions unless either party provides notice to the other party 60 days in advance of the renewal date stating that the party wishes to discuss modification of terms or not renew. Additionally, the parties by mutual agreement may extend the term for up to ninety (90) additional calendar days.

3. Service Offerings

Services available under this Contract are limited to Comprehensive Web Development and Managed Services as specified in Appendix C, Pricing Index. Vendor may incorporate changes to

their services offering; however, any changes must be within the scope of the RFO and services awarded based on the posting described in Section 1.B above. Vendor may not add services which were not included in the Vendor's response to the solicitation described in Section 1.B above.

4. Pricing

Pricing to the DIR Customer shall be as set forth in Appendix A, Section 7, Pricing, Purchase Orders, Invoices and Payment, and as set forth in Appendix C, Pricing Index and shall include the DIR Administrative Fee.

5. DIR Administrative Fee

A) The administrative fee to be paid by the Vendor to DIR based on the dollar value of all sales to Customers pursuant to this Contract is three-quarters of one percent (.75%). Payment will be calculated for all sales, net of returns and credits. For example, the administrative fee for sales totaling \$100,000 shall be \$750.00.

B) All prices quoted to Customers shall include the administrative fee. DIR reserves the right to change this fee upwards or downwards during the term of this Contract, upon written notice to Vendor without further requirement for a formal contract amendment. Any change in the administrative fee shall be incorporated by Vendor in the price to the Customer.

6. Notification

All notices under this Contract shall be sent to a party at the respective address indicated below.

If sent to the State:

Kelly A Parker, CTPM, CTCM
Director, Cooperative Contracts
Department of Information Resources
300 W. 15th St., Suite 1300
Austin, Texas 78701
Phone: (512) 475-1647
Facsimile: (512) 475-4759
E-mail: kelly.parker@dir.texas.gov

If sent to the Vendor:

Heather Presley
President
Presley Design Studio, L.C.
109 Water Street
Belton, Texas 76513
Phone: (254) 933-8211
Email: heather@presleydesignstudio.com

7. A) Conflicting or Additional Terms

In the event that conflicting or additional terms in Service Agreements or linked or supplemental documents amend or diminish the rights of DIR Customers or the State, such conflicting or additional terms shall not take precedence over the terms of this Contract.

In the event of a conflict, any linked documents may not take precedence over the printed or referenced documents comprising this contract; provided further that any update to such linked documents shall only apply to purchases or leases of the associated Vendor product or service offering after the effective date of the update; and, provided further, that, if Vendor has responded to a solicitation or request for pricing, no update of such linked documents on or after the initial date of Vendor’s initial response shall apply to that purchase unless Vendor directly informs Customer of the update before the purchase is consummated.

In the event that different or additional terms or conditions would otherwise result from accessing a linked document, agreement to said linked document shall not be effective until reviewed and approved in writing by Customer’s authorized signatory.

Vendor shall not [without prior written agreement from Customer’s authorized signatory,] require any document that: 1) diminishes the rights, benefits, or protections of the Customer, or that alters the definitions, measurements, or method for determining any authorized rights, benefits, or protections of the Customer; or 2) imposes additional costs, burdens, or obligations upon Customer, or that alters the definitions, measurements, or method for determining any authorized costs, burdens, or obligations upon Customer.

If Vendor attempts to do any of the foregoing, the prohibited documents will be void and inapplicable to the contract between DIR and Vendor or Vendor and Customer, and Vendor will nonetheless be obligated to perform the contract without regard to the prohibited documents, unless Customer elects instead to terminate the contract, which in such case may be identified as a termination for cause against Vendor.

The foregoing requirements apply to all contracts, including, but not limited to, contracts between Customer and a reseller who attempts to pass through documents and obligations from its Manufacturer or Publisher.

8. Authorized Exceptions to Appendix A, Standard Terms and Conditions for Services Contracts.

A. **Appendix A, Section 4. Intellectual Property Matters, B. Ownership**, is hereby replaced in its entirety:

Ownership

As between Vendor and Customer, the Work Product and Intellectual Property Rights therein are and shall be owned exclusively by Customer, and not Vendor. Vendor specifically agrees that the Work Product shall be considered “works made for hire” and that the Work Product shall, upon creation, be owned exclusively by Customer. To the extent that the Work Product, under applicable law, may not be considered works made for hire, Vendor hereby agrees that the Contract effectively transfers, grants, conveys, assigns, and relinquishes exclusively to

Vendor Contract No. _____

Customer all right, title and interest in and to all ownership rights in the Work Product, and all Intellectual Property Rights in the Work Product, without the necessity of any further consideration, and Customer shall be entitled to obtain and hold in its own name all Intellectual Property Rights in and to the Work Product. In projects where third-party products, such as website themes, fonts, plugins and stock images are used, Customer may only use those items on the delivered product and not in any other product without relicensing said tool. Vendor acknowledges that Vendor and Customer do not intend Vendor to be a joint author of the Work Product within the meaning of the Copyright Act of 1976. Customer shall have access, during normal business hours (Monday through Friday, 8AM to 5PM) and upon reasonable prior notice to Vendor, to all Vendor materials, premises and computer files containing the Work Product. Vendor agrees to provide the final production files to Client upon request. Vendor and Customer, as appropriate, will cooperate with one another and execute such other documents as may be reasonably appropriate to achieve the objectives herein. No license or other right is granted hereunder to any Third-Party IP, except as may be incorporated in the Work Product by Vendor.

(Remainder of this page intentionally left blank)

This Contract is executed to be effective as of the date of last signature.

Presley Design Studio, L.C.

Authorized By: Signature on file

Name: Heather Presley

Title: President

Date: 8/6/2018 | 6:37 PM CDT

The State of Texas, acting by and through the Department of Information Resources

Authorized By: Signature on file

Name: Hershel Becker

Title: Chief Procurement Officer

Date: 8/14/2018 | 3:35 PM CDT

Office of General Counsel: MH 8/9/2018 | 10:59 AM CDT

Appendix C Pricing Index
DIR-TSO-4222
Presley Design Studio, L.C.

CATEGORY	SUBCATEGORY	Unit	Customer Discount % off MSRP
Web Design/Development	Graphic Design	per hour	10.00%
	Illustration	per hour	10.00%
	Photography	per hour	10.00%
	Videography	per hour	10.00%
	Web Design/Development	per hour	10.00%
	Website Maintenance	per hour	10.00%
	Wordpress Development	per hour	10.00%

**Important Note: Vendors quote to DIR customers shall include the DIR administrative fee. The fee will be added after discount off MSRP is applied.*

EXECUTIVE COMMITTEE MEETING

MEETING DATE: June 14, 2023

AGENDA ITEM: #6 Consider Approving Conformance Review of Texas Regional Landfill Company, LP, (Waste Connections) Travis County Type IV Landfill, MSW Permit No. 1841C, Major Modification Application

GENERAL DESCRIPTION OF ITEM:

Waste Connections, owner of the Texas Regional Landfill Company, LP, Travis County Type IV Landfill, MSW Permit No. 1841C, located at 9600 FM 812, Austin, TX 78719, in Travis County, Texas, submitted a Major Modification Permit Amendment application to the Texas Commission on Environmental Quality (TCEQ) in November 2022. The amendment is for a lateral expansion which would increase the permit boundary area, increase the area of the waste disposal footprint, and increase the disposal volume (capacity) of the landfill. The waste disposal footprint area when the landfill is fully developed is proposed to increase from 118.8 acres to 129.9 acres. The elevation of the deepest excavation of the landfill is not proposed to change, i.e., there will be no increase in the height of the landfill. CAPCOG received parts I & II of the permit application dated November 18, 2022. A completed Conformance Review checklist was received January 25, 2023.

The SWAC respectfully recommends a statement of conformance with the goals and objectives of the RSWMP to the TCEQ for the Texas Regional Landfill Company, LP, (Waste Connections) Travis County Type IV Landfill, MSW Permit No. 1841C, Major Modification Permit Amendment application, and recommends approval of the registration application, conditioned upon a positive resolution of variance currently under review by Travis County Transportation and Natural Resources.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER:

Ken May, Regional Programs Manager
Charles Simon, Director, Regional Planning & Services

BUDGETARY IMPACT:

Total estimated cost: N/A

Source of Funds: N/A

Is item already included in fiscal year budget? Yes No

Does item represent a new expenditure? Yes No

Does item represent a pass-through purchase? Yes No

If so, for what city/county/etc.? _____

PROCUREMENT: N/A

ACTION REQUESTED:

Approve the statement of conformance

BACK-UP DOCUMENTS ATTACHED:

1. Memo

BACK-UP DOCUMENTS NOT ATTACHED:

None



BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

**MEMORANDUM
6/14/2023**

TO: Executive Committee

FROM: Charles Simon, Director of Regional Planning and Services

**RE: Conformance Review of Texas Regional Landfill Company, LP, (Waste Connections)
Travis County Type IV Landfill, MSW Permit No. 1841C, Major Modification Application**

The Texas Regional Landfill Company, LP, (Waste Connections) Travis County Type IV Landfill, MSW Permit No. 1841C, Major Modification Permit Amendment application has been submitted to the Texas Commission on Environmental Quality for a lateral expansion which would increase the permit boundary area, increase the area of the waste disposal footprint, and increase the disposal volume (capacity) of the landfill. The waste disposal footprint area when the landfill is fully developed is proposed to increase from 118.8 acres to 129.9 acres. The elevation of the deepest excavation of the landfill is not proposed to change, i.e., there will be no increase in the height of the landfill. CAPCOG received parts I & II of the permit application dated November 18, 2022. A completed Conformance Review checklist was received January 25, 2023.

CAPCOG's Solid Waste Advisory Committee (SWAC) at their November 30, 2022, SWAC Mtg formed a subcommittee to conduct a conformance review of the application against the goals and objectives identified in CAPCOG's Regional Solid Waste Management Plan. The Subcommittee members were:

- Richard McHale, City of Austin
- Jon White, Travis County

Under CAPCOG's approved procedures for conformance reviews, CAPCOG's Executive Committee is charged with making one of five potential conformance review findings:

1. The permit or registration conforms to the RSWMP and either:
 - a. CAPCOG recommends approval of the permit or registration; or
 - b. CAPCOG recommends approval with specific conditions attached, or
2. The permit or registration does not conform to the RSWMP and either:
 - a. CAPCOG recommends denial of the permit or registration; or
 - b. CAPCOG recommends withholding approval until specific deficiencies are corrected; or
3. CAPCOG lacks specific information to make a qualified conformance determination.

Recommendation from the Solid Waste Advisory Committee Subcommittee

The above subcommittee received an electronic copy of the Permit Application, updated Notice of Deficiency letters and responses, and the applicants completed Conformance Review Checklist, and found no issues of concern with the application. The Subcommittee made a recommendation before the SWAC on May 22, 2023, that the application conforms to the Regional Solid Waste Management Plan and recommends approval of the registration, conditioned upon a positive resolution of variance currently under review by Travis County Transportation and Natural Resources.

Recommendation from the Solid Waste Advisory Committee

The SWAC voted unanimously to accept the subcommittee recommendation and now makes recommendation to the Executive Committee to make statement to the TCEQ that the application conforms to the Regional Solid Waste Management Plan and that the Executive Committee recommends approval of the registration, conditioned upon a positive resolution of variance currently under review by Travis County Transportation and Natural Resources.

EXECUTIVE COMMITTEE MEETING

MEETING DATE: June 14, 2023

AGENDA ITEM: #7 Consider Accepting and Verifying the completion of Cybersecurity Awareness Training for All CAPCOG employees.

GENERAL DESCRIPTION OF ITEM:

Per Texas Government Code, Section 2054.5191, it is necessary to identify employees who use a computer to complete at least 25 percent of the employee's required duties. At least once each year, an employee and each elected or appointed officer shall complete a cybersecurity training program certified under Section 2054.519. State Certified Cybersecurity Training Programs. The current cybersecurity awareness training for CAPCOG was to have been completed before the August 31, 2023 deadline, including any new hires onboarded before that date. CAPCOG will report the completion of the training to the state before August 31st. Upon this notification to the CAPCOG Executive Committee, all the prescribed requirements will have been met.

In accordance with Section 2054.5191, Government Code, the governing body of a local government shall:

- Verify and report on the completion of a cybersecurity training program by employees of the local government, and
- Require periodic audits to ensure compliance with this section.

Upon completion of the cybersecurity training, CAPCOG reported the agencies completion to the state using the online form provided by DIR on their website. CAPCOG will maintain the annual cybersecurity training records and any necessary documentation for auditing purposes.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member.
- Other

PRIMARY CONTACT/STAFF MEMBER: **Kelly Claflin, CISO/Director of Information Technology Services**

BUDGETARY IMPACT:

Total estimated cost: N/A

Source of Funds: _____

Is item already included in fiscal year budget? Yes No

Does item represent a new expenditure? Yes No

Does item represent a pass-through purchase? Yes No

If so, for what city/county/etc.? _____

PROCUREMENT: N/A

ACTION REQUESTED:

Accept the Report for the completion of Cybersecurity Awareness Training Requirements.

BACK-UP DOCUMENTS ATTACHED:

1. Cybersecurity Awareness Training – Status Report memo
2. Cybersecurity Training Enrollment 2023

BACK-UP DOCUMENTS NOT ATTACHED *(to be sent prior to meeting or will be a handout at the meeting):*

None



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**BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO
TRAVIS WILLIAMSON**

MEMORANDUM

June 14, 2023

TO: CAPCOG Executive Committee

FROM: Kelly Claflin, CISO/Director of information Technology Services

RE: Cybersecurity Awareness Training – Status Report

Overview

In accordance with Section 2054.5191, Texas Government Code, each state agency shall identify state employees who use a computer to complete 25 percent of their duties and require that they annually complete a cybersecurity training program certified under Section 2054.519. The Texas Department of Information Resources (DIR) is responsible for certifying those programs. CAPCOG management has determined that all employees of CAPCOG work more than the required 25 percent of their duties on computer systems.

The purpose of this legislation is to ensure that local and state government employees and relevant state contractors are properly trained in recognizing security threats to prevent unauthorized data breaches and to ensure the integrity of the state's digital infrastructure. The annual training must be completed by all governmental entities and reported to the State through DIR by August 31st, 2023.

Training

With the inception of the KnowBe4 system in 2021, CAPCOG has created a standard practice of requiring new employees to complete our cybersecurity training before allowing them to begin working on their computer system. To promote good cybersecurity practices, it is important that we provide our employees with the knowledge to recognize and prevent cybersecurity events, especially for those coming from the private sector that may not have had such training. CAPCOG provides training for all pre-existing employees during the months of March, April and/or May. CAPCOG has also used the system to provide extra training for the employees of the Finance department around Handling Sensitive Information. We will continue to expand focused training topics to other employees as needed.

Reporting

In accordance with Section 2054.5191, Government Code, the governing body of a local government shall:

- verify and report on the completion of a cybersecurity training program by employees of the local government to the department and
- require periodic audits to ensure compliance with this section.

With the acceptance of this notification of completion to the Executive Board, we will report the completion to the State through the DIR reporting portal.

EXECUTIVE COMMITTEE MEETING

MEETING DATE: May 25, 2023

AGENDA ITEM: #8 Consider Approving Appointments to Advisory Committees

GENERAL DESCRIPTION OF ITEM:

This is the monthly item for filling positions on our Advisory Committees; please let us know if our staff can assist in identifying interested persons to serve. It is presumed that both city and county representatives will collaborate when making appointments.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER: **Deborah Brea, Executive Assistant**

BUDGETARY IMPACT:

Total estimated cost: N/A

Source of Funds: N/A

Is item already included in fiscal year budget? Yes No

Does item represent a new expenditure? Yes No

Does item represent a pass-through purchase? Yes No

If so, for what city/county/etc.? _____

PROCUREMENT: N/A

ACTION REQUESTED:

Approve any advisory committee recommendations.

BACK-UP DOCUMENTS ATTACHED:

1. Summary memo with recommended appointments and vacancies

BACK-UP DOCUMENTS NOT ATTACHED (to be sent prior to meeting or will be a handout at the meeting):

1. Executive Committee attendance roster
2. Advisory Committee attendance rosters



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BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

MEMORANDUM
May 25, 2023

TO: Executive Committee Members

FROM: Deborah Brea, Executive Assistant

RE: Advisory Committee Recommendations

This memo identifies current recommendations to CAPCOG Advisory Committees and serves as a reminder of vacancies that still need to be filled. Please see the Attendance Rosters for the Requirements & Responsibilities. For questions, please contact the Advisory Committee staff liaison.

Burnet County

- The Aging Advisory Council (AAC) has a representative vacancy.

City of Austin

- The Aging Advisory Council (AAC) has a representative vacancy.
- The Criminal Justice Advisory Committee (CJAC) has a representative vacancy.

Hays County

- The Aging Advisory Council (AAC) has a representative vacancy.

Law Enforcement Education Committee (LEEC)

- One citizen and two law enforcement representative vacancy.

Llano County

- The Geographic Information Systems Planning Council (GISPC) has a representative vacancy.

Travis County

- The Aging Advisory Council (AAC) has a representative vacancy.

Williamson County

- The Aging Advisory Council (AAC) has a representative vacancy.