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HUMAN RESOURCES POLICY AND PROCEDURES

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SECTION 1.00 GENERAL

1.01. **Purpose.** This guide contains human resource and other related policy and procedures for Workforce Solutions of Central Texas (WSCT). It supplements selected policies of the Central Texas Council of Governments (CTCOG) and the Texas Workforce Commission (TWC).

1.02. WSCT is an equal opportunity employer/program. Auxiliary aids and services are available upon request to persons with disabilities. For Relay Texas, dial 711. WSCT adheres to the TWC “Equal Opportunity is the Law” found at 29 CFR 37.30 and herein at section 16.00.

1.03. **Forms:** **Until the paperless system is in place for WSCT, all forms** referenced herein may be found in the WSCT Intranet under “Forms”.

1.04. **Disclaimer:** Policies, procedures, and/or benefits summarized in this and all other WSCT policy and procedures manuals and policy letters are not contractual in nature. Workforce Solutions of Central Texas reserves the right to change, modify, add, or delete any policy at any time with or without prior employee notification or approval.

1.05. **At-Will Employment:** Employees of WSCT/CTCOG and TWC are employed on an “at-will” basis and, within provisions of State and Federal law regarding public employment, can be dismissed from employment at any time, with or without notice, for any reason, or for no reason. The WSCT **Chief Operating Officer** or his/her designee may take disciplinary action, to include dismissal, against an employee at any time. The severity of the discipline depends upon the nature of the infraction. WSCT and TWC employee discipline and discharge may, but not necessarily will, follow progressive discipline.

1.06. “CTCOG employee” refers to persons employed by the Central Texas Council of Governments. References to information contained in the CTCOG Personnel Policy generally apply only to CTCOG employees unless indicated otherwise.

1-07. TWC (state) employees are integrated into WSCT.

- 1.07.01. **TWC employee** personnel activities are found in the Texas Model Training Manual and in the TWC Personnel Manual which are the final authority for TWC employee human resources actions.
- 1.07.02. **TWC Integrated Service Area Manager (ISAM):** the key TWC staff person for coordination and administration of procedures established by the Texas Model. Supervisors may coordinate directly with the ISAM regarding HR activities for State TWC employees under their supervision.

SECTION 2.00, GENERAL POLICY

2.01. **Discrimination:** Persons employed in WSCT facilities, and persons applying for employment with WSCT, will not be discriminated against because of race, age, religion, color, disability, national origin, gender, political affiliation, beliefs, genetic tests and information, or citizenship, and for program beneficiaries only, participation in any Workforce Innovation and Opportunity Act (WIOA) financially assisted program or activity.

2.02. Hiring Practices and Procedures (See Section 3.00.): WSCT hires both CTCOG and TWC positions. The objective is to select the most qualified person using a fair, non-discriminatory process based on accurate information and documentation. For this process “hiring authority” is the person responsible for recommending to the WSCT **Chief Operating Officer** an applicant to fill a position.

- 2.02.01. General hiring policy for CTCOG positions is found in Section 4.00 of the CTCOG Personnel Policy. Hiring authorities must pay attention concerning the hiring of relatives (nepotism) and other factors that could disqualify a person from employment with CTCOG.
- 2.02.02. Hiring of State positions under WSCT supervision must conform to standards and procedures set forth in the Staffing and Organization section of the TWC Personnel Manual and in The Texas Model.

2.03. CTCOG Leave: CTCOG employees request leave using the Request for Overtime/Leave Form. See section 8.00 for leave under the Family and Medical Leave Act (FMLA). Direct Supervisors will administer WSCT leave (to include FMLA) and have authority to approve or deny leave applications for CTCOG and TWC employees under their supervision.

2.04. State Employee Leave: TWC employees request leave through e-mail to their direct Supervisor. This mail contains the dates requested, the reason and type of leave, whether or not FMLA applies, and the employee’s current leave balance. The e-mailed request is copied to the ISAM.

- 2.04.01. The Supervisor approves or disapproves and responds via e-mail. The ISAM and other interested parties are copied.
- 2.04.02. If approved, the employee enters the request into the TWC Employee’s Leave Information System. The ISAM processes the information in and the action is complete.
- 2.04.03. If disapproved, the employee cannot take the requested leave.
- 2.04.04. TWC employees requiring absence under FMLA must coordinate a request through their Supervisor. All further actions are coordinated with the ISAM.

2.05. Professional Ethics and Practices/Code of Conduct: (See Section 9.00 herein and Appendix A of the CTCOG Personnel Policy): The nature of the business conducted by all employees in WSCT facilities requires exemplary employee behavior consistent with the public trust and interest. All employees located in WSCT facilities, regardless of employer of record, are expected to uphold the highest standards of ethical and professional conduct and integrity in the practice of their duties and in their professional relationship with workforce customers, the general public, public officials, other workforce system employees, and outside agencies and their employees.

2.06. Employment Outside CTCOG: In order to avoid conflict of interest with the CTCOG mission or local member government entities, any CTCOG employee wishing to work an additional job outside WSCT (including self-employment) must have the advance written approval of the CTCOG Executive Director (CTCOG Personnel Policy, paragraph 3.04).

2.07. Use of Hand-Held Communications Devices: WSCT recognizes that the use of hand-held communications devices (cell and smart phones, etc.) is widespread and sometimes business related. Staff should maintain personal safety at all times and exercise good judgment in using these devices while operating a motor vehicle. **It is illegal under Texas law to read, write, or send electronic messages (texting) while driving.** Employees should not dial, talk, or surf the net on a hand-held or other personal communications device while driving a motor vehicle but rather should either stop and park in a safe location or use a hands-free device. WSCT assumes no responsibility for personal injury or property damage incurred due to use of a communications device while driving a motor vehicle.

2.08. Employee Flex-Time: For purposes of this policy, flex-time is defined as working a regular duty day that is not consistent with normal business hours (8 Am to 5 Pm Monday through Friday). Working flex-time is a privilege, not an entitlement, of employment. WSCT operational needs take priority. Supervisors shall periodically review the schedule of flex-time employees to determine the impact on WSCT operations and the employee's job performance. Flex time may be revoked at any time for any reason.

- 2.08.01. Employees may request permission in writing to Supervisors to adjust their normal work hours. Workforce Administrators may also assign involuntary flex time to employees or to positions that, out of operational necessity, require a work presence outside normal business hours. Fair Labor Standards Act (FLSA) rules concerning number of weekly hours worked by non-exempt employees shall be followed.
- 2.08.02. Supervisors and Administrators will ensure that the employee can continue with no degradation of job performance or adverse effect on WSCT operations. The Supervisor sends the written request with recommendations to either the Workforce Administrator or **WSCT Chief Operating Officer**, as applicable.
 - a. **CTCOG Employee:** If approved, the written approval is kept in the local file with copies sent to CTCOG and Fiscal.
 - b. **TWC Employee:** the Workforce Administrator files the request locally and provides the original to the ISAM who makes appropriate entries into the TWC system.

2.09 Telecommuting: Telecommuting involves working a normal business day from a remote workplace such as home or a satellite center. Information and communication is by telephone and other remote devices. Telecommuting must contribute directly to maintenance or attainment of improved productivity and employee retention and have no adverse effect on WSCT operations or mission.

- 2.09.01. Telecommuting is a management option, not an employee right.
- 2.09.02. Approval to telecommute does not constitute or imply an employment contract between the employee and WSCT, CTCOG, or the State of Texas.
- 2.09.03. **Employees who wish to telecommute must:**
 - a. Demonstrate the ability to establish priorities and manage time with minimum supervision.
 - b. Report work products and results periodically to their Supervisor
 - c. Develop with their Supervisor a time schedule for work.

- d. Be readily available during normal business hours as if working in an on-site office.
- e. Maintain communications with their Supervisor and center during telecommuting hours.
- f. Maintain a proper work environment at the place of telecommuting.
- g. Follow all policies and procedures at their telecommuting workplace.
- 2.09.04. **The Supervisor:** ensures that telecommuters maintain regular contact with staff and have access to required files and/or equipment and retains responsibility for day-to-day performance of the employee.
- 2.09.05. **Telecommuters:** shall be available for and work a 40-hour workweek (at least 20 hours if a part-time employee). The 40-hour week will not be exceeded for full-time, non-exempt employees without the WSCT **Chief Operating Officer's** approval.
- 2.09.06. **Requests for Telecommuting:** are submitted in writing to the immediate Supervisor. The Supervisor shall make a recommendation to the Administrator who forwards the request with recommendations to the WSCT **Chief Operating Officer** for approval.
 - a. The WSCT **Chief Operating Officer** does not approve TWC employees.
 - b. **The Chief Operating Officer's** recommendation is forwarded to the ISAM who forwards the request to the TWC Division Head for approval.
- 2.09.07. If approved, the Workforce Administrator or **WSCT Chief Operating Officer** shall prepare a written agreement indicating the specific terms of the telecommuting status. The agreement will be signed by the employee indicating an understanding of the requirements set forth. The agreement remains in effect for six months at which time it will either lapse or be renewed. Telecommuting may be revoked at any time for any reason.

SECTION 3.00 WSCT HIRING PRACTICES AND PROCEDURES

3.01 Position and Vacancy Announcements: Hiring for TWC positions follow the TWC merit system (See the Texas Model Manual, and the TWC Human Resources Policy).

- 3.01.01. **Equal Employment Opportunity:** WSCT, CTCOG, and the State of Texas are equal opportunity employers. All hiring practices will be conducted in a non-discriminatory manner. Applicants for employment will not be discriminated against because of race, age, religion, color, disability, national origin, gender, political affiliation, beliefs, genetic tests and information, or citizenship.
 - a. At the request of an applicant with proven disabilities, reasonable accommodations will be offered.
 - b. WSCT supports competitive employment of persons with disabilities with the expectation that they are able to meet the same employment standards, responsibilities, and expectations as other working-age adults.

- 3.01.02. Filling WSCT vacancies is based on operational need, current or expected workload, and available funding. All hiring, CTCOG and TWC, requires prior approval of the WSCT Chief Operating Officer.
- 3.01.03. Job qualifications, based on approved job descriptions, will be placed in job announcements using standard memo format. This memo is used for internal job announcements, as an information source for preparing media announcements, and for Work-in-Texas (WIT) entries. The memo and job description will be date stamped and posted as soon as they are received.
 - a. Announcements are sent to Workforce Administrators, WSCT and Workforce Board locations and to CTCOG with a request to post in each division. Announcements are also advertised in the news media, WSCT web site, and Work in Texas.
 - b. CTCOG job announcements with no closing date remain open until filled.
 - c. Resumes and applications received are not retained following hire of the position. Separate responses are required for each job announcement.
- 3.01.04. The WSCT **Chief Operating Officer** may waive or change qualifications to best serve the interests of WSCT. Meeting minimum qualifications neither ensures a position nor an interview for a position. The desired result is a highly qualified applicant pool from which the best-qualified applicant is selected through a sound screening and interview process. The hiring authority makes decisions on persons to interview and coordinates the selection with the **Chief Operating Officer**.
- 3.01.05. With the WSCT **Chief Operating Officer's** approval, the transfer or reorganization of job functions is allowed by the local Workforce Administrator to address workload and business needs, therefore, not every position that becomes vacant may be posted.

3.02 Applications: Use the standard CTCOG application for CTCOG positions. TWC positions use the TWC of Texas application form.

- 3.02.01. The Workforce Administrator or WSCT **Chief Operating Officer**, as applicable, maintains a confidential file of all resumes and other documents received for CTCOG positions. The ISAM keeps TWC position files.
- 3.02.02. Resumes and related documents will be date stamped upon receipt and retained until the position is filled.
- 3.02.03. Time lines and procedures contained in announcements (such as deadline for submission of applications, etc.) will be strictly observed.
- 3.02.04. Answer inquiries about the nature of the job only in general terms so as not to be interpreted as giving anyone unfair advantage.
- 3.02.05. Applicant screening, review, and selection are based on meeting minimum qualifications using a process and criteria that support candidates to be selected for interview. Applicants may be placed into groupings that distinguish the most qualified from the least qualified.

- 3.02.06. Internal applicants meeting minimum qualifications and whose performance meets minimum standards may be interviewed and the best qualified selected. Prior to considering an interview with an internal CTCOG applicant, coordination with their current Supervisor is required to review the applicant's current job performance.
- 3.02.06. Current employees on initial (not performance) status may also be considered.

3.03. **Interview:** Workforce Administrators designate staff responsible for conducting the selection for positions under their supervision. The WSCT **Chief Operating Officer** selects positions under his/her direct supervision.

- 3.03.01. Hiring authority interviews may include an interview panel. The same interview panel will consider all applicants for the same job. Extenuating circumstances or exceptions must be discussed with, and approved by, the **Chief Operating Officer**.
- 3.03.02. Telephone interviews with the interview panel present may be conducted when a situation does not allow an in-person interview.
- 3.03.03. The hiring authority may require a formal assessment of job skills. The same assessment shall be given to all applicants interviewed for the position.
- 3.03.04. Interviewers will be attired in professional business attire.
- 3.03.05. The interview will be conducted in a location free from noise and interference. Communications and interruptions must be held to emergencies only. Appropriate ADA accommodations will be provided for applicants requesting them.
- 3.03.06. Interview questions will be job related and nondiscriminatory and may be both written and oral. The number of questions should be held to the minimum consistent with the required information.
 - a. Prior to the interview, questions shall be reviewed and approved by the WSCT **Chief Operating Officer**. A copy of interview questions will be kept with each job announcement/selection file.
 - b. The same questions will be directed to all applicants in a consistent manner. Internal applicants will be informed at the start of the interview that a thorough response to all questions is required even though they may personally know the interviewers and are familiar with the position and organization.
- 3.03.07. The hiring authority prepares a written record of each interview which is kept as part of each applicant packet.
 - c. A summary of applicant strengths and weaknesses relating to answers to the questions, education or experience, assessment as available and overall impressions. Only one summary per applicant is submitted.
 - d. Note impressions, comments, general responses to questions, interaction during the interview, and notable experience or education as determined from the application or interview.

- e. Impressions must be based on facts. Avoid inflammatory or off-handed remarks or comments based on personal opinions not supported by facts. Note responses that support strengths and weaknesses, pertinent education and skills, experience and skills training, and interaction and personal presentation during the interview.
- f. Following the interviews, the hiring authority prepares a summary for each applicant. It will contain a brief, non-verbatim summary of responses to questions. Comments must support the evaluation of the responses and may be used to justify the selection and to answer questions from those not selected.
- g. Applicant references are optional. If listed, the hiring authority shall check them.
- h. Employment history and education of those interviewed must be verified. Copies of transcripts or degrees are acceptable for education.
- i. Hiring authorities shall verify internal applicant's job performance with the applicant's Supervisor and review previous performance appraisals.

3.04. Post-interview: A packet will be prepared on the applicant selected for potential hire. The Applicant Selection Form lists the documents the WSCT **Chief Operating Officer** will review prior to a decision to hire. The checklist will be included in the packet along with all the required documents and comments about the interview. The packet and checklist will be forwarded to the **Chief Operating Officer** for review and decision.

- **3.04.01. Background Investigations:** If required, background checks on the person selected for the **Chief Operating Officer's** review may be ordered prior to notification of the person selected. These background checks will be ordered only by the Executive Director, Central Texas Workforce Board (CTWB), **WSCT Chief Operating Officer**, a Workforce Administrator, or persons designated by them for this purpose.
 - a. **Verifications:** Background checks will include only criminal background, education, and employment history. The **Chief Operating Officer** may approve additional areas.
 - b. **Business Necessity:** Criminal background checks for finalists are considered to be in the category of business necessity. Under EEOC guidelines, this means that with respect to conviction records, the hiring authority must be able to show that three factors have been considered in the hiring process:
 - 1. The nature and gravity of the offense(s),
 - 2. The time that has passed since the conviction and/or completion of the sentence, and
 - 3. The nature of the job held or sought. For example, a blanket exclusion of persons convicted of any crime is not job-related nor is it consistent with business necessity.
 - c. Background checks require a completion and signature of the Disclosure and Release of Information Authorization Form prior to requesting the check.

3.05. Selection and Notification: The WSCT Chief Operating Officer's review and approval shall be completed prior to direct notification. Selection for TWC positions requires additional activities to be completed including a background check (see the Texas Model Manual).

- 3.05.01. Questionable or adverse information or impressions requiring the Chief Operating Officer's guidance or decision will be highlighted.
- 3.05.02. After the hiring decision is approved by the Chief Operating Officer, the hiring authority prepares a letter for the selected applicant offering the position and including the classification, salary, and job description.
- 3.05.03. If no applicant is selected, the position remains open and the process continued.
- 3.05.04. The Workforce Administrator or Chief Operating Officer keeps the file for the CTCOG hiring process to include the job announcement and advertisements, documents relating to the interview and selection, letters of non-selection, and all other related items. These are kept for the balance of the fiscal year in which the decision is made, plus 2 years.
- 3.05.05. Following final approval, the hiring authority will expeditiously send letters to all applicants, notifying them that they were either selected or not selected. Internal applicants who are not selected shall receive a personal contact from the hiring authority in addition to the letter.

3.06. Reporting for Employment and In-Processing Activities: If the position is accepted by the selected applicant, they are given a date and place to report.

3.07. Applicant Inquiries/Complaints: Inquiries or complaints concerning hiring will be handled at the lowest possible level. The desire is to minimize complaints by following fair and nondiscriminatory practices and professionally and competently discussing/reviewing the processes.

- 3.07.01. It is appropriate for hiring authorities to discuss only the applicant's strengths and weaknesses as presented on the resume, other documents, background results, or during the interview. General comparisons may be made with other applicants but direct reference to other applicants will not be made.
- 3.07.02. Discussions with a complainant will be conducted professionally through rational discussion of the hiring process. The complainant will be allowed to present his or her case fully.
- 3.07.03. If a complaint is not satisfied at the hiring authority level for a CTCOG position, the WSCT **Chief Operating Officer** is the next level of referral followed by the CTCOG Executive Director. For a TWC position, follow procedures outlined in the Texas Model Manual. If issues cannot be resolved, the next recourse is with the Texas Commission on Human Rights or Equal Employment Opportunity.

3.08. State Position Hiring Procedures. Hiring for TWC-funded positions is consistent with CTCOG positions but requires additional procedures as outlined in the TWC Texas Model Manual.

- 3.08.01. The hiring authority must first verify the budget and develop the job announcement. TWC forms P-31, Notification of Vacancy, the P-14, and the Essential Job Functions Worksheet are completed and submitted to the ISAM.

- 3.08.02. The ISAM reviews the job posting and posts the vacancy. Applications received are given to the ISAM who enters the data into the TWC tracking system and forwards the application to the hiring authority along with form P-35, Selection to Fill Vacancy Report.
- 3.08.03. The hiring authority screens applicants and selects those to interview.
- 3.08.04. Interviews are conducted by the hiring authority. The interviewers complete the employment selection documents. The best-qualified candidate is identified and references are verified as required.
- 3.08.05. The hiring authority makes a selection in coordination with the WSCT **Chief Operating Officer**. The ISAM is notified of the selection and a **CONDITIONAL** offer of employment is made. If the applicant accepts the offer, the ISAM forwards applicable forms to the TWC Human Resources Division for processing. If employment barriers to the selected applicant are found by TWC, the application is returned to the hiring authority who will then select the next most-qualified applicant and the process repeated.
- 3.08.06. If there are no barriers, the ISAM and hiring authority complete the TWC form P-35, the **FINAL** offer is made, salary negotiations are conducted, and the report date set.
- 3.08.07. The ISAM retains all documents and provides the necessary documents to TWC payroll.
- **3.08.08.** The hiring authority ensures that the new employee is scheduled to meet with the Workforce Administrator, Supervisor, and the ISAM. The ISAM ensures that the employee completes all TWC forms and complies with the TWC new-employee checklist.

SECTION 4.00 NEW EMPLOYEE ORIENTATIONS

4.01. Direct Supervisors of all newly hired CTCOG and TWC employees will personally conduct an orientation covering various subjects with the new employee. The purpose of this orientation is to ensure that employees are aware of policies that affect them at the time of hire.

- 4.01.01. Subjects and policies covered are found in the WSCT Intranet under the heading “Policies-New Employee Orientation”.
- 4.01.02. Supervisors and Workforce Administrators will use the New Employee Orientation Form to document the orientation and certify that the required items have been discussed with the employee. This form will become part of the employee’s file.
- **4.01.03. New employees will be informed of the 60 day probationary period.**

SECTION 5.00 WSCT EMPLOYEE EXIT PROCESS

5.01. Persons leaving employment from a WSCT facility will participate in the exit process.

- 5.01.01. All CTCOG and TWC employees, and employees of tenant agencies located in WSCT facilities, have varying levels of access to the WSCT computer and phone systems as well as other agency communications systems. The exit process applies to all individuals including partner or tenant employees.
 - a. **Resignation:** Upon receipt of an employee resignation the IS Request Form will be completed by the employee's Workforce Administrator or Supervisor, if possible within two working days of receiving the resignation and sent immediately to WSCT PC support. The form will indicate the last day of employment. The WSCT Information Technology (IT) department will deny access to computer and phone systems no later than the end of the day following the employee's last day of employment. The IT department will send a confirmation email to the Administrator or Supervisor once denial is complete.
 - b. **Terminated Employees or No Notice departures:** In the event an employee does not give notice or is terminated, the IS Request form will be completed and sent to PC support immediately. All computer and phone system access will be denied on the last day of employment. IT will send a confirmation email to the Workforce Administrator or Supervisor concerned once denial is complete.
 - c. **Work Studies, Temporary Workers, Experience Works, and Employees on Extended Leave:** Employees on extended leave (paid or unpaid) and those not scheduled to work for an extended period of time are still considered employees. If an employee fitting this category does not return to work at the end of the leave period the Supervisor will confirm this, immediately complete the IS Request Form, and send it to PC Support. The termination date is the day the Supervisor confirmed the employee would not be returning to work. The termination date is not the last date the employee worked prior to their leave. IT will deny access to computer and phone systems no later than the end of the day following the employee's termination date as listed on the form. IT will send a confirmation email to the Workforce Administrator once all actions have been taken.
 - d. **Out-Processing Appointment:** All departing CTCOG employees are required to attend an out-processing appointment on or prior to their last day of employment. This appointment is with CTCOG administration and the employee's last timesheet will be taken to this meeting. Prior to this appointment the original copy of the employee's resignation letter must be submitted to CTCOG.
- 5.01.02. **On the last day of employment:** the Supervisor will retrieve from the employee as applicable: laptop computer and accessories, office and desk keys, name tag and WSCT credit cards. Credit cards will be returned to fiscal with a copy of the Employee Exit Form indicating the last four digits of each card returned. A CTCOG employee will complete the last timesheet to take to the CTCOG out-processing appointment. If the employee has outstanding travel, a Request for Travel shall be completed and submitted for payment.

SECTION 6.00 WSCT EMPLOYEE APPRAISAL SYSTEM

6.01. Applications: The Appraisal System applies to both CTCOG and TWC employees. Procedures concerning TWC-funded employee appraisals are further contained in paragraph 6.15 as well as the Texas Model Manual and TWC Personnel Policy.

6.02. Timing and Process. Within 10 working days of the date of hire the Supervisor gives a copy of the Performance Appraisal Plan and Review Form to the new employee and explains the appraisal system, its purpose, and how it is administered. The Supervisor will explain the performance rating descriptions, the employee's specific work related tasks and performance indicators, and the behavior indicators. The performance appraisal plan will be signed by the Supervisor and employee and retained in the employee's personnel file. It will be revised or reissued if there are significant changes in job responsibilities.

6.03. Feedback. Supervisors must provide timely performance feedback and counseling keyed to employee development to correct deficiencies or weaknesses and to convey outstanding performance. Formal counseling, when required, will be documented by the Supervisor and placed into the employee's personnel file.

6.04. Appraisal Requirements:

- **6.04.01. Following the probationary period:** This appraisal evaluates performance to date and, if necessary, to make recommendations as to further actions.
- **6.04.02. Annually:** This evaluation is given in the 12th month (anniversary date) of hire or placement into the position for which the person is being evaluated. Salary changes are based on this evaluation.
- **6.04.03. Upon transfer to Another Position:** This category is (1) for a change in immediate Supervisor or (2) for a change in significant job responsibilities by management reassignment for an extended period or (3) selection into another salary classification. The closing date is the last day the employee was in the previous job or under the Supervisor concerned. If an appraisal has been completed within 60 days prior to any of the above personnel actions, another appraisal is not necessary.
- **6.04.04. At Special Times:** Used when the evaluation is for termination of employment, demotion to a lower position, a corrective action plan situation, or for other reasons requiring an appraisal.

6.05. Supervisor Responsibilities:

- **6.05.01.** Supervisors are responsible for the professional development of their employees. At a minimum, formal conferences between employee and Supervisor will be held when the appraisal is being conducted for the probationary period and at the annual appraisal. The Performance Appraisal Plan and Review Form documents these conferences. Conferences for other appraisal reasons are at Supervisor discretion.
- **6.05.02.** A record will be kept of formal performance counseling using the counseling record. Supervisors should recognize exemplary performance as well as needed improvement.
- **6.05.03.** Supervisors forward the completed, signed appraisal document to the WSCT **Chief Operating Officer** within 3 working days following the evaluation.

- 6.05.04. Recommendations for change in status of a CTCOG employee such as appointment to another position or a change in current pay status are sent by the Supervisor to the WSCT **Chief Operating Officer** using CTCOG Recommendation for Appointment/Change of Status Form. The **Chief Operating Officer** sends this form to the CTCOG Executive Director for final action.

6.06. Measurement of Job Performance:

- 6.06.01. Performance appraisals are based on observations of how the employee performs the duties required for their job and for specific behavioral indicators. Included are:
 - a. Day-to-day performance
 - b. Records, files, and reports that are the employee's responsibility as well as any generated by TWC and local entities, and program monitoring reports and results
 - c. Reports of interaction with other employees in the performance of duties, customer contacts, feedback from other agencies with which the employee may have contact, and other areas as appropriate
- 6.06.02. A rating of "Unacceptable" or "Needs Improvement" requires a corrective plan of action with clear expectations for improvement. If improvement is not evident or timely, adverse personnel action up to and including termination may be recommended.

6.07. Performance Appraisal Plan and Review. The plan and review form is used for both TWC and WSCT employees. It includes the information page, specific work related tasks and indicators, behavioral indicators, and comments page. Work related tasks and performance indicators are based on the position for which the person is being evaluated.

6.07.01. Heading:

The employee's classification must be consistent with the employee's established salary classification plan and functional title.

The period is from the date of hire or placement into the current position (anniversary date) or the date of the last performance appraisal for the evaluated position, through the last day of the anniversary, end of the probationary period, or other required evaluation period.

Indicate the appraisal reason. If part of the initial hire orientation, the Initial Plan box should be checked and the form signed by both Supervisor and employee. The original, signed front page is sent to the employee's personnel record. No further information is required. A copy of the entire form is given to the employee.

6.07.02. Performance Ratings: define performance.

6.07.03. Summary Performance Rating: Prudent judgment and discretion must be used in assigning this rating. No formula, average, or predetermined weight is used.

6.07.04. Recommendation: must be the action best indicated by the appraisal, taking into consideration all aspects of the review. The recommendation must be supported by the results of the review.

6.07.05. Change to Regular Employment Status: Used when the performance evaluation is given at the end of the probationary period and ratings indicate that the employee be moved from the probation.

6.07.06. Retain in Regular Status: Used when a performance evaluation is given at the end of an annual period or under special situations. Check when ratings indicate a person should be retained at the current position in current status.

6.07.07. Extend or Place on Corrective Action: Used when circumstances indicate an employee should undergo further training or corrective actions or be changed from regular status to undergo further training or corrective actions due to low ratings. Under this circumstance, the Supervisor will document and inform the employee of the reason(s) for the change, the time frame recommended, and specific corrective actions and expectations for performance.

6.07.08. Other: Document any other action not covered above.

6.07.09. Salary Adjustment: A person moving to a higher level of pay must be in regular status.

6.08. Signatures and Comments:

6.08.01. The Supervisor will counsel the employee on the appraisal. The employee may comment in the box indicated. Attach additional comments if necessary. Recommended adverse personnel actions require the WSCT **Chief Operating Officer's** review before it is presented to the employee.

6.08.02. After signatures, the original is forwarded to the WSCT **Chief Operating Officer** for approval and comment. After review and signature, the **Chief Operating Officer** returns it to the Supervisor. The original is sent to the personnel files, a copy is given to the employee, and the Supervisor keeps a copy.

6.08.03. The signature of the rated employee on this form does not indicate approval or disapproval of the appraisal. It indicates that they have seen it and have been counseled on the results.

6.09. Work Related Tasks and Performance Indicators: The Supervisor must ensure that the information in this area is correct for the position for which the employee is receiving the rating.

6.09.01. The Supervisor checks each indicator that relates to the employee's specific job requirements. Indicators that are not applicable will not be checked and the Supervisor will not consider them in the evaluation.

6.09.02. Each sub area is measured and rated separately. The Supervisor considers each indicator checked and, based on the observed performance of the employee, places an overall rating in the box under the rating column. A separate rating for each separate indicator is not made. If the sub area does not apply, the rating box is not marked.

6.10. Desired Behaviors and Performance Indicators: These indicators are applicable to all employees and are not individually selected for consideration. Each sub area is measured and rated as a separate entity. The Supervisor considers all indicators within a sub area and, based on the observed performance of the employee in that area, places an overall rating in the box under the rating column.

6.11. Employee's Summary of Significant Accomplishments and Contributions: Supervisors will ask the employee to submit a brief summary of significant performance accomplishments and contributions

during the evaluation period. If the employee does not provide this information within the time allotted by the Supervisor, the appraisal is completed without it. When an adverse action such as corrective actions or termination is recommended the employee will not be asked to submit accomplishments/contributions. In this case the employee may make comments or rebuttal.

6.12. Supervisor's Comments: address the entire report. Comments are required for ratings on each individual sub area rated as Unacceptable, Needs Improvement, or Demonstrated Excellence. Comments are also required when a recommendation in the Corrective or the Other Action block is indicated (See Recommendation area on the form). Comments for other ratings are at Supervisor's discretion.

6.13. Additional Considerations: reserved for Supervisor comments about performance areas not previously covered such as observance of work rules, proper conduct, time and attendance, etc.

6.14. Comment Continuation and Record of Counseling Form. The Employee Counseling Record and Comment Continuation Sheet are used to record formal employee counseling or to continue comments from the Performance Appraisal Plan and Review.

6.14.01. Record of Counseling: When used as a record of formal counseling, the counseling block is checked. The completed form is signed by both the Supervisor and employee and forwarded to the WSCT **Chief Operating Officer**. It is filed in the employee's personnel file. This form may be used separately from the Performance Appraisal Plan and Review form.

6.14.02. Refusal to Sign: If an employee refuses to sign the form, another person shall be present to witness the refusal and the witness' signature placed on the form.

6.14.03. Continuation of Comments: When used as a continuation of comments, the appropriate block is checked. Either the employee or Supervisor signs the form depending on whose comments are being continued. Once completed, the form becomes a part of the appraisal.

6.15. State Employee Appraisal Procedures. TWC employees are appraised using the WSCT Appraisal Form. Procedures parallel those of CTCOG employees with the same appraisal periods and forms.

6.15.01. At the beginning of a review period, the Supervisor and employee will meet to discuss job duties and expectations. The performance appraisal plan is signed at this time.

6.15.02. Subsequent appraisal requirements are sent to WSCT, through the ISAM, by TWC Human Resources in the month that the appraisal is to be conducted. The ISAM notifies the appropriate WSCT facility of the requirement. The completed performance appraisal is due at the end of the next month.

6.15.03. The appraisal is conducted in accordance with procedures herein. An employee not meeting expectations must be formally counseled. It should be determined as to how improvement may be accomplished to meet or exceed expectations. This is documented in writing and signed by both the Supervisor and employee.

6.15.04. The original appraisal, with attachments as appropriate, is forwarded to the ISAM who signs the appraisal, and any accompanying documents, and forwards the appraisal to TWC. Copies are kept in the center and given to the employee.

SECTION 7.00 WSCT STAFF CLASSIFICATION AND SALARY PLAN

7.01. General

7.01.01. TWC classifications and salaries are based on the TWC merit system. Information about TWC classifications and salary schedules is contained in the Texas Model Manual.

7.01.02. CTCOG employees have:

Salary schedules and classifications similar to the TWC system

Consistent application of salary schedule across jobs

Career ladders based on good performance and experience for workforce development specialists and technicians

Merit provisions based on high performance

Cost of living (COLA) increases subject to projected available funds or other factors as determined by the **Chief Operating Officer**.

A periodic review of the salary structure

7.02. Employee Classification and Salary

7.02.01. New CTCOG Employees: New employees are placed at the starting salary in the appropriate classification. Placement at a salary level is based solely on qualifying experience and not academic degrees or hours of attained college credit.

Qualifying experience must have been within 3 years of the start date and is limited to a maximum of 3 years (round up or down to the nearest year). For example, three years of qualifying work experience in the three years prior to the start date of employment equals three years of credit; 2 years of work in prior years equals 2 years credit; 1 year of work in the last 3 years equals 1 year credit. The qualifying experience does not have to be continuous. Part-time work/experience is calculated on a pro-rata basis to a maximum of one and one half years. For example, 3 years of 50% part-time work equals one and one half years in calculating salary increases.

After evaluation by the hiring authority and approval by the WSCT **Chief Operating Officer**, the starting salary level is set commensurate with qualifying experience.

Whether starting or moving to a new classification track (e.g., technician to specialist), the probation period is 6 months in the new job.

7.02.02. Top of Salary Level: Employees receive credit for each year of service to the maximum of the pay category.

7.02.03. Transition of Staff into the WSCT Classification System: Those placed at the incorrect salary level, as determined by the WSCT **Chief Operating Officer**, will not have a salary decrease or salary change upward until their years of experience allows. Annual increases will be considered (using a formal performance appraisal) on the anniversary date of employment as a regular status employee in the job they are currently occupying. They are effective the following pay period. A “meets” or higher appraisal rating is required to move to the next level. If this level of rating is not attained, a salary increase will not be considered until the next anniversary date.

7.02.04. **Cost of Living (COLA):** The career ladder assumes no cost of living (COLA) raises. If COLA is authorized, a determination will be made to implement, defer, or adjust. COLA will be considered for jobs not in the career ladder. COLA is based on budgetary considerations and other factors determined by the WSCT **Chief Operating Officer**.

7.03. **Incentives/Merit Increases.**

7.03.01. **CTCOG Employees:** Incentives are based on available funding.

The staff incentive plan is based on maintaining an approved classification plan, current and accurate job descriptions for all staff, performance appraisal system consistently applied, and available financial resources in the budget.

A merit performance incentive may be provided to employees in salary schedule A. The employee's job performance and productivity must be consistently above that normally expected or required.

The employee may receive a merit incentive once a year at his/her annual performance appraisal.

The employee must be on regular, not probationary or temporary status at the time of the annual performance appraisal.

The employee must have been employed for at least 12 continuous months prior to the award of the incentive.

At least 12 months must have elapsed since an employee's last promotion, demotion, or salary increase. The exception is that if the employee is within 60 days of receiving an annual appraisal and, during that period is promoted or changes positions, the employee may receive a merit incentive based on performance in the previous position's appraisal.

The employee must not have had any adverse personnel action taken against them in the 12 months prior to the annual appraisal.

An employee with "meets standards" on their annual appraisal is moved to the next salary group with a corresponding base pay increase (per approved Classification Plan). No additional merit performance incentive is authorized.

An employee with "exceeds standards" on the annual performance appraisal may be moved to the next salary group and receive a one-time performance incentive in an amount determined by the WSCT **Chief Operating Officer** based on budget.

An employee with "demonstrated excellence" on the annual performance appraisal may be moved to the next salary group and receive a one-time performance incentive in an amount determined by the **Chief Operating Officer** based on budget.

Performance incentives are earned annually and are renewable based on the performance appraisal rating. If the employee is promoted within 60 days of the date that an annual appraisal would have been given for the job they are leaving, the employee may receive an earned incentive following the salary adjustment for the promotion. Part-time employees are eligible on a pro-rata basis per number of hours worked. Incentives are subject to

change due to budget or other factors determined by the **Chief Operating Officer**.

One Time Merit Provisions: Employees at the top of their pay range for their classification may receive a one-time merit increase. A one-time merit increase is a lump sum payment in the month they would be eligible for a salary adjustment. They can also be eligible for a merit performance incentive depending on their performance rating.

7.03.02. State Employee Incentives/Salary: Merit increases for TWC employees are comparable to salary adjustments and performance incentives for CTCOG employees. Merit increases are to reward and retain employees who exceed defined performance parameters.

Regular Merit Increase: A regular merit increase moves a classified TWC employee from a lower monthly salary to a higher monthly salary in the same pay group. It is effective the first of the month. Form P-10 is due by the 10th of the month prior to the effective month. To be considered for a regular merit increase, employees must meet the following:

Must have satisfactorily completed at least 12 continuous months of service prior to the award of the increase (Note: Although TWC policy allows a 6-month period, 12 months are consistent with WSCT policy and is, therefore, applicable to WSCT TWC employees).

Job performance and productivity must be consistently above that normally expected or required.

Performance reviewed and documented within the preceding twelve months with a rating of outstanding or higher.

Have received no promotion or previous merit increase within the last twelve months, excluding any full calendar months of leave or absent without leave.

Be actively on the payroll on the first of the month in which the merit increase is awarded.

Not at the top of their of their pay range.

One-Time Merit Increase: A one-time merit increase is a lump sum payment given to eligible TWC employees only for the month in which the payment is effective. Fiscal impact to the agency is only for the month in which the increase is given. One-time merit increases do not have retirement contributions deducted. Employees throughout the range of classified salary groups, and at any salary within these groups, may be considered for one-time increases. Likewise, employees at the maximum of their pay range may receive a one-time merit increase. To be considered for a one-time increase, employees must meet the following:

have satisfactorily completed at least 12 continuous months of service prior to the award of the increase.

Performance reviewed and documented within the preceding 12 months with a rating of outstanding or higher.

Job performance and productivity consistently above that normally expected or

required.

Have received no promotion, one-time merit payment, or merit salary increase in the agency within the last 12 months, excluding any full calendar months of leave of absence or absent without leave.

Must be actively on the payroll on the last workday of the month in which the merit increase is awarded.

In addition to the criteria for merit and one-time increases, the **WSCT Chief Operating Officer** may develop more specific, job-related, objective criteria for selecting those to receive increases. Merit increases are governed by the availability of funds.

An employee recommended for a one-time increase will not be notified of the proposed action until the recommending authority receives e-mail notification from the CHAPS Administrator that the increase has been processed.

The employee shall not be given a copy of the recommendation form until it is approved by TWC through the Workforce Administrator and the ISAM.

The employee may be told that they may be considered for a one-time merit increase. Only after approval may the employee may be notified of the amount and expected date.

All inquiries about one-time merit increases shall go through the Workforce Administrator and the ISAM.

Salary adjustment information/procedures are located in the Texas Model Manual.

Supervisor prepares recommendation for salary action and submits through the Workforce Administrator/WSCT **Chief Operating Officer** to the ISAM who prepares the P10 and submits to the TWC division program Director. The P10 must be sent to be in TWC Human Resources no later than the 10th calendar day of the month preceding the requested effective date.

TWC program Director reviews the request and forwards it to TWC Human Resources.

TWC Human Resources forwards to payroll if the request meets all requirements.

The ISAM is notified of the action and notifies the Workforce Administrator.

SECTION 8.00 THE FAMILY and MEDICAL LEAVE ACT (FMLA)

8.01. **General:** TWC employees follow procedures established by the TWC for the requesting and accountability of FMLA. The employee's Supervisor and Workforce Administrator shall be kept advised of the employee's status.

8.02. CTCOG employees cannot waive or trade, nor will CTCOG induce employees to waive or trade, rights under the FMLA.

8.03. Nothing in this policy is intended to conflict with the Family and Medical Leave Act or federal and TWC regulations pertaining thereto. If there is conflict, the law and regulations take precedence.

8.04. Eligible CTCOG employees are allowed up to 12 weeks of job-protected leave in a 12-month period for certain family situations and serious medical reasons.

8.05. **Spouse:** Spouse includes eligible employees who are legally married including legal same-sex marriages and by legal common law.

8.06. **Eligibility:** Supervisors shall examine all sick leave requests for FMLA-related situations and eligibility. To be eligible for FMLA leave, the employee must:

8.06.01. Have been employed by CTCOG a total of 12 months. These months need not be consecutive. Absences during the 12-month period such as sick, vacation, and holiday are counted in the 12-month computation.

8.06.02. Have worked a total of 1250 hours in prior 12 months (need not be consecutive) preceding the date FMLA leave begins. This time may allow for a gap of up to 7 years or longer if there is a written agreement to rehire or it is leave related to military service. Time paid but not worked such as sick, vacation, holiday, or absences for unpaid leave or lay off, is not included in the computation of these hours.

NOTE: An employee called to active military duty with the National Guard or Reserves may not actually have the required number of hours (1250) with WSCT to qualify immediately for FMLA upon return from military service. In this case, the total number of hours worked while in military status away from employment is added to the number of hours worked for WSCT prior to departure to active duty, thereby assuring the person's continued FMLA eligibility. (USDOL Memorandum, July 22, 2002.)

8.07. **Qualifies:** If the Supervisor determines that the leave qualifies under FMLA, the employee will be notified and advised of the requirements and benefits under the FMLA. The leave will be designated FMLA leave and the employee asked to submit appropriate documentation. The Supervisor may deny FMLA leave until sufficient and complete certification is received. Sufficient and complete means the certification is not vague, ambiguous, or non-responsive.

8.07.01. **Notification of eligibility or ineligibility** shall be provided by the Supervisor to the employee within 5 business days of the request for FMLA leave or the date the Supervisor determines that FMLA leave applies. The Supervisor shall advise the employee of the following:

Employee's obligation is to provide certifications of a serious health condition, injury, or illness, or of the qualifying exigency if requesting leave under the military requirements in paragraph 8.10. The employee must provide these within 15 calendar days. If, however, this is not practicable or possible, employee should show extenuating circumstances with diligence and a good faith effort.

Certification may be required semi-annually if the serious health condition lasts more than one year or is for chronic conditions.

Consequences for failing to meet obligations under FMLA

WSCT policy concerning use of paid leave.

Payment of health insurance premium as required.

Status as a key employee as applicable

If a fitness for duty certification will be required upon return, provide the essential job functions to the employee at the time of notification.

8.07.02. FMLA notification is valid for one year for the same qualifying medical condition so long as there is no change. No new Supervisor notice is required.

8.07.03. If a new medical condition arises and there is no change in the original eligibility, no further notice from the Supervisor is required. If the eligibility status changes, however, the Supervisor must give a new notice of eligibility/ineligibility within 5 business days.

8.07.04. If the employee requests FMLA, he/she must provide sufficient information for the Supervisor to determine if FMLA is justified. Calling in sick is not sufficient for this purpose. The Supervisor may request additional information.

8.07.05. If the Supervisor determines that eligibility for FMLA has not been met because of multiple reasons, only one reason need be communicated to the employee.

8.08. 12 Month Period: The 12-month period for determining the amount of FMLA leave available to CTCOG employees is defined as a “rolling” 12-month period measured backward from the date an employee uses any FMLA leave. Each time an employee takes FMLA leave the remaining leave entitlement is the balance of the 12 weeks of leave not yet used during the immediately preceding 12 months. For example: An employee uses four weeks of FMLA leave beginning February 1, 2016, 4 weeks beginning June 1, 2016, and four weeks beginning December 1, 2016. No more FMLA leave can be taken until February 1, 2017 (12th month after the first day of the 12-week FMLA period). Or, if the employee starts leave on February 1, 2016 and takes all 12 weeks at a time, then they may not take any additional FMLA leave until February 1, 2017.

8.09. Reasons for Taking FMLA Leave: Subject to proper certification, FMLA leave is allowed for:

8.09.01. **Birth of a child of the employee and the care for this child.** The entitlement based on this child expires at the end of 12 months following birth of this child.

8.09.02. **Placement of a child with the employee through adoption or foster care.** The entitlement based on this child expires at the end of 12 months following placement of this child.

8.09.03. **Care of an employee’s spouse, child, or parent** if such spouse, child or parent has a serious health condition. Parents-in-law are not included in this definition.

8.09.04. **Serious health condition** making the employee unable to perform one or more of the required functions of the position in which that person is employed.

8.10. Military Families: Employees who are military family members are allowed leave under the FMLA that differs significantly. Military family leave includes Qualifying Exigency Leave and Military Caregiver Leave.

8.10.01. **Qualifying Exigency Leave:** Exigency leave is available only for families of service members in the National Guard or Reserves.

A qualified employee may take up to 12 weeks of FMLA leave during a 12 month period for a qualifying exigency that arises when a spouse, parent, or child is on or has been called to active military duty. This period is computed in the same manner as the 12 month period used by WSCT for other forms of FMLA.

The employee must give reasonable and practicable notice, if possible, to include military status of spouse, parent or child, relationship to the service member, facts showing the reason for the leave, third party point of contact, and anticipated length of FMLA leave.

WSCT may require the certification of the qualifying exigency by requesting service member's orders or asking third parties without the employee's consent.

Qualifying exigency conditions include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling arising from the service member's active duty; 6) up to 15 days for rest and recuperation of the service member; 7) post-deployment activities; 8) additional activities as agreed to by WSCT and the employee; 9) "parental care leave" to care for a service member's parent when necessary; 10) the service member is deployed to a foreign country supporting a contingency operation.

8.10.02. Military Caregiver Leave: This leave permits employees who are either a spouse, child, parent, or next of kin (nearest blood relative) of the covered service member to take up to a total of 26 weeks of leave in a single 12 month period to care for a covered service member who suffers a serious injury or illness incurred while on active military duty. WSCT may require confirmation of the relationship.

A covered service member includes, in addition to active duty service members, veterans who are undergoing medical treatment, recuperation, or therapy for an illness if the veteran was released or discharged (other than dishonorably) at any time during the 5 year period before the first date the eligible employee takes military caregiver leave.

FMLA leave starts the first day of the caregiver's absence from employment and ends 12 months later. This does not preclude the use of another 26 week leave for a separate illness or injury of the same service member, up to 26 weeks in the 12 month period.

Military caregiver entitlement applies on a per-covered service member, per-injury basis. A covered service member is a member of the armed forces, including the National Guard and Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in an out-patient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Health certifications for the covered service member for serious injury or illness shall be obtained from health care providers.

8.10.03. A serious injury or illness as included here is more broadly defined than a serious health condition under other FMLA. It means that the injury or illness was incurred by the service member while in the line of duty, on active duty, that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or military occupational specialty. It also includes a preexisting injury or illness that was aggravated by active duty service.

8.10.04. Employees cannot take caregiver leave to care for former members of the armed forces,

former members of the National Guard or Reserves, or members of the permanent disability retired list except as listed above.

8.11. Intermittent or Reduced Schedule: To best accommodate the needs of the employee and WSCT business needs, FMLA leave may, in certain circumstances, be taken on an intermittent or reduced schedule.

8.11.01. Birth or placement of a child: Intermittent or reduced schedule for this purpose requires Supervisor's approval. The Supervisor considers the centers' business needs and decides whether or not to approve intermittent or reduced schedule. If approved, the employee may take leave intermittently or on a reduced work schedule. Leave may begin before birth for prenatal care.

Serious medical conditions related to the birth or the newborn do not require prior Supervisor approval for intermittent or reduced leave.

8.11.02. For serious health conditions, either planned or unplanned, prior Supervisor approval of intermittent or reduced schedule is not required but medical certification is required.

8.11.03. During intermittent or reduced schedule, computation of the amount of leave taken toward the allowable 12 weeks will include only the time actually taken as leave using the smallest increment of time used for tracking other forms of leave (e.g., sick leave). Increments larger than 1 hour cannot be used to track intermittent leave. However, only time taken as FMLA leave will be counted against the FMLA leave entitlement (e.g., 30 minutes of absence cannot be counted as one hour).

An example of intermittent schedule would be: if the normal workweek is five days and the employee takes one day per week, the amount counted toward FMLA leave is one-fifth (8 hours) of a week. Likewise, if the employee usually works eight-hour days and takes four hours leave per day for the five days, the amount charged is one-half week (20 hours).

8.11.04. In the case where regularly scheduled medical treatment is occurring during intermittent/reduced work hours, these treatments must be scheduled for non-work time whenever possible.

8.11.05. WSCT/CTCOG may consider temporary placement of the employee into an alternate position during intermittent absence for a medical treatment (including recovery) or for birth or placement of a child (subject to prior approval). The alternate position will be one for which the employee is qualified and which accommodates the employee's schedule of leave. This position must have equivalent pay and benefits but equivalent duties are not required.

8.11.06. Light Duty: is a voluntary option that does not have to be offered by WSCT. If the employee returns to approved light duty, actual time on the job will not count against the FMLA allotted time or affect TWC rights.

Rights to light duty cease at the end of the employee's 12 month FMLA year.

WSCT can suspend light duty at any time.

8.12. Paid and Unpaid Leave: Employees on FMLA leave must use all accrued CTCOG paid vacation, sick leave, and/or other allowable paid time concurrently with the FMLA leave before FMLA absence without pay is begun.

8.12.01. Exception: If the employee receives temporary disability payments or worker

compensation payments during the absence, paid leave will not be allowed.

8.12.02. Worker compensation leave may also be counted as FMLA leave. Except for compensatory leave, the employee may not receive worker compensation lost time benefits and be in any paid status at the same time.

8.12.03. This does not apply to any approved and paid compensatory time under the Fair Labor Standards Act (FSLA) that is not counted as FMLA leave.

8.13. **Exempt Employees:** FLSA-exempt employees do not lose their exempt classification under FMLA. WSCT shall make appropriate salary deductions for any part of FMLA not covered by paid leave.

8.14. **Restoration of Employment:** Following return to work, employees will be restored to their original or equivalent position with equivalent pay, benefits, terms, and conditions except as indicated herein.

8.15. **Lay Off:** Adverse action may not be taken against an employee simply because they have taken FMLA leave. However, appropriate personnel actions can be taken which would have happened even if the employee had not been on leave at that time; for example, if the employee is selected for lay off while on leave due to staff reorganization or reduction in force, the employee will be notified and terminated as laid off.

8.16. **Drug Abuse and the CTCOG Drug Policy:** FMLA leave may be taken for rehabilitative treatment of drug addiction by a health care facility, either for the employee or family member. The employee must demonstrate that the substance abuse constitutes a serious medical problem. FMLA absence due only to impairment because of substance abuse is not allowed as FMLA leave. If it is determined that the employee violated the CTCOG Drug-Free Workplace Policy by being at work in an impaired state due to drug abuse, the employee may be disciplined up to and including termination from employment.

8.17. **Certification of Health Condition:** FMLA leave for a serious health condition requires a medical certification signed by the health care provider. If leave is planned, the employee will provide certification prior to starting FMLA leave. If not, it will be provided as soon as possible but no later than 15 calendar days following notification of approved FMLA leave. The Supervisor will provide the employee with the Certification of Health Provider Care Form. If the reason for leave is a serious health condition of the employee, the Supervisor will also provide a copy of the employee's current job duties so that the certifying health care provider may determine if the employee is capable of accomplishing the job requirements.

8.17.01. If there is doubt that the health care certification is valid, a second opinion may be required at WSCT/CTCOG expense at a health care provider of WSCT/CTCOG choice.

8.17.02. In case of conflicting opinions, a third opinion may be required at WSCT/CTCOG expense. Both the employee and WSCT/CTCOG must agree upon the provider. Opinions rendered by the third provider will be final and binding on both the employee and the WSCT/CTCOG.

8.17.03. During the leave, periodic re-certifications may be required by WSCT. Requests shall be in writing to the employee.

Requests for re-certification may be made once every 30 days in case of a long-term illness or pregnancy. If, however the original medical certification indicates the initial minimum duration of the condition is more than 30 days the request may not be made until the end of the minimum duration stated on the certification.

If there is reason to believe that the serious medical situation has changed and has not been

reported by the employee, a request for a re-certification will be sent to the employee.

The Supervisor may request re-certification in less than 30 days if the employee asks for an extension of leave or the Supervisor has reason to doubt the status.

If the employee reports a change in the medical situation or there is doubt about continuing validity of the need for leave, a written request for a new medical certification will be sent to the employee.

The employee will bear the responsibility for such re-certification and there shall be no second or third opinions for re-certification.

8.17.04. Fitness for Duty Certification: WSCT may require a person to certify fitness for duty upon return. The Supervisor shall provide the employee with a list of job functions. The health care provider must identify the job functions the employee can perform upon completion of the leave and return to work.

Certification may be required every 30 days if intermittent leave is used and reasonable safety concerns exist.

WSCT cannot delay the employee's return in order to authenticate or clarify if WSCT failed to provide the requirement to certify fitness for duty in the original notice.

WSCT can deny if the employee did not comply with the requirements of the notice concerning fitness for duty.

8.18. Employment and Benefits: During FMLA leave, the employee will not lose employment or employment benefits accrued prior to the date of leave. This includes group health benefits, retirement, paid holidays, vacation and sick leave.

8.18.01 Contacts: Employees on FMLA leave must contact their Supervisor at least once per week to report their status (including medical condition of self or family member when on leave for serious medical condition) and their intention to return to work. The Supervisor will make a written record of verbal conversations.

8.19. Employer Health Benefits:

8.19.01. During FMLA leave, coverage under the CTCOG group health benefit plan will be maintained.

8.19.02. Benefits cease if the employment relationship ceases (such as a layoff), an employee informs the Supervisor of intent not to return from leave, or the employee fails to return from leave.

8.19.03. If the employee fails to return after the period of leave has expired, and if the employee does not return for a reason other than continuance or recurrence of the medical condition that originally entitled the employee to leave, or for other circumstances beyond the control of the employee, benefits will cease and the premium paid by CTCOG for maintaining health coverage during the period of unpaid leave (only) will be recovered from the employee.

8.19.04. In the case of failure to return because of recurrence or continuation of medical problems, medical certification from the health care provider will be required at the employee's expense. This certification will be submitted no later than 15 days following the request for the certification.

8.20. Failure to Return to Work: In the event the employee cannot return to work after the FMLA 12-week period and no more leave is available, the situation will be evaluated and a recommended disposition sent to the CTCOG Executive Director by the WSCT **Chief Operating Officer**. Additional non-FMLA leave for a specific period of time may be considered or termination of the employee may be recommended. Normal CTCOG procedures for leave benefits or for adverse personnel actions apply.

8.21. Communications from both TWC and CTCOG employees will be in writing. Included are communications with the employee as part of the request for leave, actions taken as required, and weekly employee contacts. These may be memos for the record and are filed in the employee's leave file.

8.21.01. Employee: CTCOG and TWC employees are responsible for accurate and timely communication to management of known FMLA leave requirements. The employee (or the employee's spokesperson if the employee is incapacitated) will inform their Supervisor of the need and reasons for leave under FMLA. FMLA leave requests that do not specify the reasons for the leave will be denied until reason(s) are given.

Planned Leave: Employees will request planned FMLA leave by submitting the Request for Overtime/Leave Form and the Employee FMLA Information Form as soon as it is known that FMLA leave will be required.

Notification may be verbal followed with a completed leave form.

Medical certification, if required, will be attached to the leave form or obtained no later than 15 calendar days after notice from the employee.

Unplanned Leave: Requests will be communicated to the Supervisor as soon as they are known.

If requests are known prior to the start date of the leave, the request will be in writing in the same manner as above.

If a reason for FMLA leave arises while the employee is on vacation or a leave status other than sick leave, or if an emergency occurs while on duty, the employee (or a representative if incapacitated) will inform the Supervisor as soon as possible. A written request for leave is not required.

Medical certification is required if the reason is for serious medical situation and must be submitted no later than 15 calendar days following the employee's notice.

Under this circumstance FMLA leave can be designated as retroactive only to the point of the need for FMLA and only if the prior leave could have counted as FMLA leave

While on FMLA leave, the employee or representative (if incapacitated) will call the Supervisor at least once per week to discuss their status and intentions to return to work.

The employee must also inform the Supervisor if additional leave is required.

8.21.02. WSCT Supervisor: Supervisors are responsible for approving or disapproving the leave and notifying the employee of the FMLA eligibility.

Leave Request Indicating FMLA: Upon receipt of an FMLA leave request and the

Information Form, the Supervisor will determine if FMLA leave is indicated and approve or disapprove the request.

The Supervisor will inform the employee as to the FMLA determination within two (2) business days using the Employee Notification Form. If approved, the employee will be counseled by the Supervisor on the all required actions while on leave including personal contacts.

All verbal communications will be recorded in writing and filed in the employee leave record.

Leave Request Not Indicating FMLA: Upon receipt of a request for other than FMLA leave, the Supervisor will examine it to determine if the leave could qualify as FMLA leave based on the reason for leave.

No sick leave request will be approved until FMLA determination is made.

If the leave requires FMLA designation, the Supervisor will designate the leave as FMLA and inform the employee within two (2) business days. The Supervisor will counsel the employee about FMLA and all required actions and contacts. If a medical certificate is required, the employee will be instructed to provide it within 15 days of written notification.

Unplanned Requirements: Unplanned reasons for FMLA leave may arise while the employee is on a non-FMLA absence or during an emergency when prior submission of a leave form by the employee is not possible.

The Supervisor will make a determination of FMLA status based on the information provided and inform the employee of FMLA status. Notice of determination may be verbal but will be followed up with the notification form. If the employee is not at work due to illness, has not yet submitted a leave form, and has been absent for three (3) consecutive days, a determination of FMLA status under Serious Medical Condition will be made based on the definition of “Absence Plus Treatment” below.

Requirements for employee certifications, if any, will be communicated to the employee.

If there is a leave request on file, it will be changed to indicate FMLA and a memo for the record prepared indicating the reasons and date the employee was notified. The employee or representative will be counseled about FMLA.

If there is no leave form, a memo to the record will be made outlining the circumstances of the leave, whether or not it is approved as FMLA leave, and the date of approval or disapproval. Notification will be made with the notification form.

All other leave actions remain the same.

8.21.03. The Supervisor will maintain weekly contact and ensure that developments affecting the outcome of the leave are recorded and acted upon.

8.22. Highly Compensated Employee (Key Employee): A salaried, FLSA-exempt employee who is among the highest paid 10% of CTCOG employees is a key employee. Restoration of a previously held position may be denied to a key employee if it is necessary to prevent substantial and grievous economic injury to the operations of CTCOG, therefore:

8.22.01. A key employee will be notified of the intent to deny restoration on this basis at the time it is determined that an economic injury will exist and/or when, after leave has started, the key employee elects not to return after receiving notice.

8.22.02. At the time of request for, or determination of, FMLA leave, a key employee will be told about potential consequences concerning reinstatement and maintenance of health benefits should it be determined that substantial and grievous economic injury will result. Such determination will include written notification that FMLA leave cannot be denied but that reinstatement will be denied upon completion.

8.22.03. Key employees not returning to work after being notified of substantial economic injury will retain benefits until the end of the FMLA leave unless, or until, the employee advises CTCOG that reinstatement at the end of leave is not desired or when reinstatement is actually denied.

8.23. Serious Medical Conditions

8.23.01. FMLA leave for serious medical conditions apply to parents, children, or spouse only. These are defined as:

Parent: Biological parent or person(s) in loco-parentis. Does not include parent(s)-in-law.

Child: Biological, adopted, or a foster child, a stepchild, a legal ward, or a child who is in loco-parentis. The child must be under age 18. They may be 18 or older if incapable of self-care because of a mental or physical disability.

Spouse: A man or women recognized under Texas law as married to each other including common-law.

8.23.02. **A Serious Medical Condition** is a documented health condition such as illness, injury, impairment, or mental condition that keeps an employee from performing essential job duties.

8.23.03. Any period of incapacity or treatment connected with inpatient care in a hospital, hospice, or residential care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care;

8.23.04. **Continuing serious medical conditions under the FMLA are:**

Hospital Care: inpatient care in a hospital, hospice, or residential medical care facility for any incapacity (inability to work, attend school, or perform daily activities due to a health condition, treatment for a condition, or recovery from a condition) or any subsequent treatment in connection with inpatient care.

Absence plus Treatment: a period of incapacity of more than three consecutive days and any subsequent treatment or period of incapacity related to the same condition that involves:

Treatment two or more times by a health care provider, or a nurse or physician's

assistant under the health care provider's direct supervision, or a provider of health care service under orders of, or on referral by, a health care provider, or

Treatment by a health care provider on at least one occasion resulting in continuing treatment under the supervision of the health care provider

Pregnancy: period of incapacity due to pregnancy, prenatal care, or serious chronic health conditions related to pregnancy. May also qualify even if the employee does not see a doctor on each absence or is not absent for three days.

Chronic Conditions Requiring Treatment: period of incapacity due to a chronic serious health condition which: 1) requires periodic visits to a health care provider or nurse or Physician's assistant under supervision of a health care provider, 2) continues for an extended period of time, including recurring episodes of a single underlying condition and, may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes).

Permanent/Long-term Conditions Requiring Supervision: periods of incapacity which are permanent or long term due to a condition for which treatment may not be effective. The employee or family member must require continuing supervision of, but may not be receiving active treatment by, a health care provider.

Multiple Treatments: absence to receive multiple treatments, including recovery from such treatments, from a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider. This includes restorative surgery after an accident or other injury for a condition that could result in incapacity of more than three consecutive days in the absence of medical intervention or treatment such as cancer (chemotherapy, radiation), severe arthritis, or kidney disease (dialysis). Treatment includes, but is not limited to, examinations to determine if a serious health condition exists and subsequent evaluation of the condition. Routine examinations are not included. Continuing treatment must include a course of prescription medication or therapy requiring special equipment.

Continuing Treatment: treatment by a health care provider that includes one or more of the following:

A period of incapacity (inability to work) due to a serious health condition of more than three (3) consecutive calendar days, and any subsequent treatment or incapacity relating to the same condition that also involves:

Treatment two (2) or more times by a health care provider, or

Treatment by a health care provider on at least one occasion resulting in continuing treatment under the supervision of a health care provider

Restorative dental or plastic surgery is required after an injury, removal of cancerous growths, etc.

Mental Illness resulting from allergy or stress may be a serious condition if the requirements of 29CFR825, sec 825.114 are met.

Substance Abuse may meet this definition if related to treatment for substance abuse by a health provider or provider of health services on referral from the health provider. Absence

due simply to using a substance does not qualify.

Health Care Provider includes a doctor of medicine or osteopathy, a podiatrist, a dentist, a clinical psychologist, an optometrist, a chiropractor (limited to treatment consisting of manual manipulating of the spine to correct sub-laxion as demonstrated by X-ray to exist), nurse practitioner, nurse midwife, clinical social worker, Christian Science practitioners, and other providers accepted by the CTCOG health insurance provider. Health care providers as defined above and authorized to practice in a country other than the United TWCs are also acceptable.

8.23.05. Headaches other than migraine, routine checkups and medical appointments, routine dental and orthodontia problems, and periodontal diseases may not considered serious unless inpatient hospital care is required, complications arise, or are considered chronic.

8.24. **FMLA Leave Forms:** These forms are used to request and document leave under FMLA and to provide information as required.

8.24.01. **CTCOG Request for Leave Form.**

For FMLA leave, check the FMLA block. When other than FMLA leave has been approved and additional information supports a change to FMLA leave, an amended leave form will be prepared and entries made to indicate that this is an amendment.

8.24.02. **Employee Information Form:** completed by the WSCT employee when standard sick leave of more than 3 days is requested or whenever the Supervisor requests that it be completed. It provides information required for a determination of FMLA eligibility. The information must be as detailed as possible to allow a valid eligibility decision. The employee attaches it to the leave request. Failure to attach the form may result in a delay of determination until the form is provided.

The form is also used by employees or Supervisors to document subsequent FMLA reasons as either a new form submitted by the employee or as a method of documenting verbal communications when the employee is not available. In the case of the latter, the Supervisor may sign the form as Supervisor in the employee signature block.

8.24.03. **Employee FMLA Designation Notice Form (WH 382):** official notification by WSCT of FMLA eligibility and is provided to the employee. It is completed by the Supervisor/department head determining eligibility and provided to the employee as soon as possible following eligibility determination.

This form may be required again if additional leave is required up to the maximum number of weeks of allowable leave.

8.24.04. **FMLA Certification of Health Provider Form (WH-380-E):** may be used by WSCT employees to certify serious medical conditions. Medical authorities complete and sign the form. The employee is responsible for payment of any fee required for completion of the form. When required, it is the employee's responsibility to provide a completed form to the approving authority. Failure to provide this form when required will delay the eligibility determination.

Privacy of Information: Health information provided by a care provider is confidential and will not be given to any agency without written approval of the employee. Health information will not be provided by WSCT to private individuals regardless of the

employee's written wishes. Under The Genetic Information Nondiscrimination Act, WSCT will not request, nor may the health care provider disclose, information about an employee's genetics such as results of genetic testing or genetic diseases.

8.24.05. FMLA Certification of Health Provider Form, Family Member (WH 380-F): similar in purpose and format to the WH 380-E form above. The WH 380-F is for certification of eligible family members.

8.24.06. FMLA Qualifying Exigency, Military (WH 384): prepared by the approving authority and provided to an employee who is requesting FMLA under military exigency conditions.

8.24.07. FMLA Serious Injury Certification Form-Military (WH 385): may be used to certify the serious injury of a service member whose family member employee is requesting FMLA under military conditions. Note: the information concerning genetic information stated above does apply in this case. The requirement for employee privacy as stated above will be honored.

8.25. FMLA Procedures for State Employees

8.25.01. The general rules relating to eligibility, amount of leave authorized, and definitions in the FMLA apply to TWC-funded employees. TWC rules and the TWC Texas Model Manual cover procedures for the request, approval, and tracking of FMLA.

8.25.02. A request for sick leave resulting in absence under FMLA requires the employee to indicate this in the requesting e-mail. The employee will complete TWC Form P-60 and send it to the ISAM who makes adjustments in the TWC system once leave is approved. The ISAM coordinates FMLA actions with TWC and keeps the Supervisor informed as to the employee's status.

8.25.03. Employees shall keep their Supervisors informed weekly as to their status. If unable to return to work within the time allotted by FMLA, the ISAM will take action consistent with TWC rules.

8.25.04. If the leave has not been determined to be FMLA leave prior to taking the leave, but it is subsequently found that the provisions of the FMLA must be applied, the Supervisor will notify both the employee and the ISAM. Procedures outlined in the TWC Texas Model Manual are then followed.

SECTION 9.00 PROFESSIONAL ETHICS AND PRACTICES-CODE OF CONDUCT

9.01. Sources: This section is adapted from the Code of Professional Ethics and Practices published by The National Association of Workforce Development Professionals, March 2002 as amended, the Texas Social Work Practice Act, Code of Conduct (781.401), and CTCOG Personnel Policies.

9.02. Application: This code applies to all persons employed in WSCT facilities regardless of employer of record.

9.03. Responsibilities: Professional accountability and commitment to the job, the employer, and the workforce profession are basic to ethical conduct. All persons working in WSCT facilities and programs have the personal responsibility to perform their jobs with utmost integrity, competence, and professionalism. This is true under all conditions and in all external and internal contacts and activities.

Violations of professional ethics or practices may be grounds for disciplinary action to include termination of employment.

9.03.01. Employees should devote maximum effort in promoting and supporting the vision, goals, and objectives of all WSCT programs and activities, to include professional conduct and their attitude toward peers, Supervisors, and management.

9.03.02. Employees should review and adhere to all applicable agency policies and procedures.

9.03.03. Employees experiencing serious conflict in the conduct of business, whether internal or external, or in situations where customer welfare is threatened, shall disclose this to their Supervisor as quickly as possible.

9.03.04. Employees shall display positive personal commitment to their own professional development through participation in activities that enhance and increase job knowledge and the quality of WSCT activities. Employees should participate in a positive manner in the WSCT performance appraisal process.

9.03.05. Employees will use the technology owned and provided by WSCT only for the conduct of their job and for the enhancement of system activities. Copyright restrictions of published software and documents will not be violated.

9.03.06. Employees must not use their positions to secure personal or political privilege, advantage, or gain from any person or entity.

9.03.07. **Management and Supervisors are responsible for:**

Fair, accurate, and timely feedback of information to facilitate increased performance at all levels.

Recognizing their employee's capabilities and limitations and taking the individual employee's capabilities and limitations into consideration when assigning expanded roles or duties.

Ensuring that employees are prepared and competent to accomplish their duties. If further training is necessary, it shall be provided to reach required competency.

Providing a productive work environment to encourage optimal performance under positive, nonthreatening conditions, thereby increasing the productivity of the centers

Encouraging employees to have an active role in a continuous improvement process for both the employee and WSCT.

9.04. **Employee Responsibilities to WSCT and Other Agency Colleagues:** Employees must have a professional concern for their colleagues and peers regardless of employer of record.

9.04.01. Employees should have respect for others, foster cooperation, and encourage teamwork. Unwarranted, demeaning criticism of other employees results in attitudes that are not conducive to good order and working conditions.

9.04.02. Employees are responsible for setting and maintaining appropriate and professional boundaries between themselves and their colleagues. Personal relationships, whether during or

after business hours, will not be used to gain favor of any kind, exert influence over others, or disrupt the professional performance of the job. Personal relationships or activities that may be perceived as a conflict of interest or inappropriate influence will be discussed with management so that guidance can be provided.

9.04.03. Employees involved in a dispute, whether personal or job-related, should make a good faith effort to resolve it. If unable to resolve the situation, management should be notified.

9.04.04. Impairment, incompetence, and/or unethical behavior adversely affect WSCT operation. Employees observing this type of behavior in fellow employees should make a good faith effort to consult with the person, making them aware of their behavior and what could be done to prevent or correct the situation. If the behavior continues, the situation should be communicated to management.

9.04.05. Employees who observe or seriously suspect that another employee's behavior is either illegal or threatening must notify management as soon as possible.

9.05. Responsibilities to Workforce Customers: Employees will develop and maintain professional and ethical working relationships with customers.

9.05.01. Employees are responsible for setting and maintaining professional boundaries with both individual and business customers. A position of trust with a customer or former customer will not be exploited. Employees will not use their workforce position to unfairly influence customers for personal or other gain.

9.05.02. Employees will avoid inappropriate physical contact, comments and language, or any behavior that may be considered demeaning, harassing, or threatening by a customer.

9.05.03. Employees will not enter into any kind of personal, extra-organizational relationships with customers either during or after business hours which might compromise professional judgment or the conduct of business. This includes after-hours customer home and social visits and activities. If for a legitimate reason this situation is unavoidable, the employee will disclose it immediately to their Supervisor so that appropriate oversight can be provided.

9.05.04. To ensure the best possible services, employees should not engage in workforce customer activities for which they are not competent by means of academic preparation, in-service training, prior experience, and/or supervised on-site training.

9.05.05. WSCT is a drug free workplace. Employees must not provide customer services while impaired due to physical or mental health or the use of medication, drugs or alcohol.

9.05.06. The dignity and well-being of WSCT customers shall be respected in providing correct and timely services, information, and ensuring that the economic interests and welfare of the customer are served.

9.05.07. Employees must respect and promote customer freedom of choice and informed consent.

9.05.08. The customer's right to confidentiality shall be respected and safeguarded.

Employees will ensure that customers are informed of how information provided is to be used by WSCT and the situations when information might be released.

Customer information will be protected from illegal use or release. Release of information will be done only in accordance with TWC, WSCT, or appropriate program policy.

Business information relating to trade and human resources provided by business customers for the conduct of WSCT business activities will not be released. Any inquiry or referral should be made to the business to release any requested information.

9.06. Responsibilities to Other Organizations: In the interest of mutual assistance and of accomplishing common goals and activities, WSCT and other agency employees have responsibilities to partner agencies and organizations.

9.06.01. Employees must demonstrate personal respect, cooperation, collaboration, and teamwork with all agencies and organizations. Employees will refrain from unwarranted criticism, demeaning comments, and conflicts or disputes with other agencies. If an employee becomes involved in a personal conflict or dispute with an employee of another agency/organization, the employee must make a good faith effort to resolve the situation. If unable, the matter should be quickly referred to management.

9.06.02. Employees observing impaired, incompetent, or unethical behavior from other agency personnel should make a good faith effort to resolve the situation. Management should be notified if resolution is either not possible or is beyond the scope of the employee and if allowed to continue, would adversely affect WSCT operations.

9.06.03. Employees who observe illegal or threatening behavior from employees of other agencies will notify management immediately.

9.07. Conflict of Interest: Employees must avoid situations where real, potential, or perceived conflicts of interest arise. Employees finding themselves in this situation will report this to management as soon as possible.

9.07.01. Employees must not use their workforce position to unfairly influence business, public or private organizations, training providers, or other persons for personal, political, religious, business, or financial interests.

9.07.02. **Accepting Gifts:** To avoid the appearance of personal benefit, gain, or advantage, employees will adhere to the following rules concerning offers of gifts, favors, or services from a customer or potential customer, business, public or private organization, training provider or potential training provider, or other persons or agencies. Employees finding themselves in this situation should contact their Supervisor for guidance. WSCT employees will not:

Take anything in exchange (bribe) for an official act or service (bribery). This includes anything related to official duties or exercise of official discretion.

Accept an honorarium for services that the employee would not have been asked to provide but for their official status, for example, payment for a speech because of their position. Small gifts of minimal value such as a plaque, key chain or performance coin are acceptable.

Accept a benefit from a person or entity doing business with or subject to regulation, inspection, or investigation by, or under contract to WSCT. Included is anything that would influence official acts or decisions made by the employee. A

benefit is anything reasonably regarded as pecuniary gain or advantage. Exceptions to this restriction include:

Items worth less than \$50.00: This does not, however, apply to cash, checks, or negotiable instruments such as credit, debit, or gift cards which may not be accepted regardless of value.

Food and beverages if accepted as a guest and the donor is present at the time of the acceptance.

SECTION 10.00 WSCT PROPERTIES

10.01. This section applies to all persons employed in the workforce system including WSCT and Board employees, TWC and partner agency employees, and all other employees that use WSCT facilities on a negotiated basis.

10.02. **WSCT property:** anything purchased or leased for use by the workforce system in any workforce facility or activity. It includes, but may not be limited to, telephones, copy/fax machines, computers, computer software, printers, furniture, buildings, office supplies, and postage machines. The Internet, e-mail and content, and the workforce system computer network are also WSCT property.

10.03. Misuse or misappropriation of these resources can be considered criminal fraud or theft of public funds and may be grounds for progressive disciplinary action up to and including termination of employment and/or criminal charges (see Section 14.00).

10.04. WSCT property and equipment are used to conduct daily job responsibilities and will not be taken or used for any other purpose except as permitted in this policy.

10.04.01. Computer printers and postage machines will not be used for personal items.

10.04.02. Copy machines will be used only to reproduce workforce business or customer-related documents when in conjunction with program activities or job search and may include flyers related to workforce activities. Personal items will not be copied on workforce system machines (personal invitations, church bulletins, etc.). Copying of threatening, offensive, or material known to be illegal under current federal or state law is prohibited and may incur criminal charges.

10.04.03. Expendable supplies purchased by WSCT are for business use only.

SECTION 11.00 HARRASSMENT, ABUSE, INTIMIDATION, AND DISRUPTIVE BEHAVIOR IN THE WORKPLACE

11.01. **Policy Statement:** It is the policy of Workforce Solutions of Central Texas and the Central Texas Workforce Board that a safe, non-discriminatory working environment free from verbal and physical assaults, abuse, harassment, intimidation, bullying, and other disruptive behavior will be provided to all employees and customers. WSCT management will support all efforts by Supervisors and employees to deal with threatening, harassing, intimidating or disruptive behavior, and will respond quickly to all reports of such behavior. All persons employed in WSCT facilities are expected to maintain a safe working environment. Any employee who feels that they have been subject to harassment, abuse, or intimidation in the workplace has an obligation to report it to a Supervisor or Workforce Administrator as soon as possible. All reports of incidents will be taken seriously by all levels of management and dealt with quickly and appropriately.

11.02. Emergency Operations and Disaster Situations: emergency, disaster, violence, and other situations, and actions relating to operations during an emergency in a WSCT facility are covered in both the Central Texas Workforce System Emergency Operations Plan and the local Workforce Center/office Emergency Operations Site Plan. All employees, both WSCT and tenant, are provided the Emergency Operations Site Plan for their center as a desk reference and are expected to familiarize themselves with these documents.

11.03. Threats, harassment, intimidation, bullying, and other disruptive behavior, either by WSCT/Partner staff or others, will not be tolerated at any level. Such behavior includes oral or written statements, gestures, and expressions that communicate a direct or indirect threat of physical or mental harm. It also includes harassing or threatening communication of comments, or pictures posted on social media sites such as Face Book, Twitter, and others. Persons committing such acts may be asked to leave or be removed from the premises. Any WSCT employee who, after an investigation has been found to be in violation of this policy will be subject to appropriate sanctions that can include termination of employment, criminal charges, or both. Employees of tenant agencies will be reported to their Supervisor for appropriate action.

11.04. Obscene material or behavior and sexual harassment will not be tolerated. Sexual harassment is defined as, but may not be limited to, unwelcome sexual advances, physical contact, gestures, and written (to include postings on social media sites) or spoken communications of a sexual nature that are offensive to and unwanted by another individual or individuals. Persons committing such acts may be immediately removed from the premises. Any WSCT employee who after an investigation has been found to be in violation will be subject to appropriate sanctions that can include termination of employment. Employees of tenant agencies will be reported to their employer of record for appropriate action.

11.05. Employees are obligated to promptly report to their Supervisor any incident of harassment, intimidation, disruptive behavior, or verbal/physical abuse, either witnessed or experienced by them. Management/Supervisors will take no reprisal against anyone who reports instances of this behavior.

11.05.01. Persons reporting an incident may be asked to provide written documentation to help assess risk and measure progress in eliminating the risk. Written statements will be handled with utmost discretion by Supervisors and management. Statements may be used as documentation in the case of personnel or legal actions resulting from an incident but will be protected from general release. Since they may have to be used to resolve a situation, they may not remain totally confidential.

11.06. WSCT Facility Security: It is difficult to protect a facility against unknown threats. While terroristic or similar threats are not anticipated, staff should be aware of persons in their work area and their behavior or activities. **If staff suspects a threat, they should take necessary actions required in the local Workforce Center Emergency Operations Site Plan.**

11.07. Negative Customer Incident Reports: are defined in WD Letter 39-10, Reporting Negative Incidents Involving Texas Workforce System Customers dated November 9, 2010, as updated by WD Letter 24-11 dated July 29, 2011. Customers in this instance are defined as any individual who is participating in a qualifying or non-qualifying service through WSCT. All negative incidents involving customers will be reported immediately to the WSCT **Chief Operating Officer.**

11.07.01. Negative customer incidents include:

1. Any incident involving death or injury.

2. Physical assault.
3. Property crimes such as vandalism or theft.
4. Events requiring police involvement.
5. Inappropriate sexual behavior.
6. Any incident resulting in negative media attention.

11.07.02. **Reporting and Investigation:** A Workforce Administrator, the WSCT **Chief Operating Officer**, or persons appointed by them may investigate reported employee or customer incidents. An investigation report will be sent to the Administrator or **Chief Operating Officer** as applicable.

11.08. **Verbal and Physical Abuse:** each occurrence of harassment, abuse, or intimidation (includes violent acts toward any person) may be different. Responses may vary depending on the nature of the incident and whether or not it is considered to be an incident covered under the center's Emergency Operations Site Plan. Workforce employees are expected to assess and deal with each incident, using their best judgment and acting in a manner appropriate to the situation. The safety of all persons in the facility is first priority.

11.08.01. Sometimes phone calls or face-to-face conversations with customers can be heated but are not abusive or threatening. In this case the employee has the discretion not to treat it as abuse if it is felt that no threat or abuse was intended or delivered and may decide not to notify a Supervisor. A written record of the conversation should be made.

11.09. **Refusal to leave WSCT property when requested to do so:**

11.09.01. Refusal to leave WSCT property after being properly asked disrupts the conduct of business and could be considered unlawful trespass. If not handled properly, refusal to leave may result in a physical confrontation or violence, a situation that must be avoided.

11.09.02. Customers who, for whatever reason, refuse to leave after being asked for the first time to do so will be given a non-threatening, verbal warning that if they do not leave, law enforcement may be called to remove them. **See the Workforce Center's Emergency Operations Site Plan for specific actions to be taken.**

11.10. **Verbal abuse to an employee by a customer or member of the public:**

11.10.01. On-Premises: Employees are expected to exercise restraint, remain calm in their response, and avoid physical conflict. An in-kind response is not professional and will not be supported. Unacceptable employee responses include cursing, yelling, name calling, etc.

Staff must maintain a professional demeanor; try to calm the person. If the person calms down, business may be continued and the incident noted in case notes and/or in an incident report if the situation requires one.

If the person does not calm down, they will be asked to leave the facility (see 11.09 above).

11.10.02. Off Premises: If at a site away from the center and the person calms down, business may be continued, case notes annotated, and an incident report prepared as applicable. A professional demeanor must be maintained at all times. If the person will not calm down and the situation cannot be resolved, staff may leave the location. Their Supervisor will be notified, a written report

prepared, and alternatives for continued services considered.

11.10.03. Telephone: if the incident is by telephone and attempts to calm the person fail, the employee will inform the caller that the conversation is over and the phone call is being terminated. The Supervisor or Workforce Administrator will be notified.

11.11. **Threats of Physical Harm or Damage:** threats of personal physical harm or of damage to WSCT property will be taken seriously regardless of how they are communicated. A threat may require immediate response as defined in the Workforce Center's Emergency Operations Site Plan.

11.11.01. Direct physical involvement by staff (e.g., physical restraint) shall not be taken except **as the very last resort** to stop serious personal injury. Police will be called. **See the Workforce Center's Emergency Operations Site Plan for specific actions to be taken.**

11.11.02. Person(s) responsible for an incident may be permanently denied access to all WSCT property. Conduct of this nature by program participants may also result in immediate removal from further services. These decisions rest with the WSCT **Chief Operating Officer.**

11.11.03. **Abuse or Assault by WSCT or Tenant Staff:** in case of verbal or physical abuse or assault by an employee against either a customer, a member of the public, or another employee, the following may apply:

Tenant employees initiating or participating in verbal or physical abuse or assault will be reported to the Supervisor/employer of record. Depending on the severity, the tenant employee may be denied entry into the facility pending final outcome of Supervisor action. Final disciplinary action will be determined by the employer of record.

WSCT/TWC employees initiating or participating in verbal or physical abuse or assault may be considered for progressive discipline up to and including termination of employment. Depending on the severity, the employee may be denied entry to the facility, placed on leave, or placed in another facility pending the outcome of Supervisor action.

Employee-to-employee abuse or assault will be reported to the Workforce Administrator who will immediately investigate and submit a report to the WSCT **Chief Operating Officer** for action.

The WSCT **Chief Operating Officer** will personally investigate any incident involving a Workforce Administrator or staff reporting directly to **him/her.**

11.11.04. **Handguns on WSCT Property:** Carrying a handgun, either concealed or open-carry, into a WSCT facility by a person licensed by Texas to do so is not prohibited. An openly-carried handgun must be holstered at all times. If the person has the gun out of the holster, is acting strangely or in a threatening manner, is or appears to be intoxicated, or is committing a crime, action will be taken in accordance with the Center's Emergency Operations Site Plan.

Exceptions:

Where a WSCT activity occupies a facility in which the carry of handguns is prohibited by the owner (such as city or state owned and prohibited by them), the carry of handguns in that facility shall not be permitted.

WSCT and other agency employees occupying WSCT facilities will not open-carry handguns. Only concealed carry is allowed.

SECTION 12.00, DRESS CODE

12.01. The intent of the Workforce Solutions Central Texas dress code is to, at all times, project a professional image to the Central Texas community.

12.02. **Philosophy:** Reputations and good first impressions are made or destroyed by personal and physical appearance. All persons working in the workforce centers are expected to use good judgment in their personal grooming and appropriate dress for the work setting and daily job tasks. A professional image of staff maximizes customer confidence in the services provided by Workforce Solutions of Central Texas. Staff appearance can enhance or detract from the ability to work effectively with co-workers and the public.

12.03. During regular or assigned work hours, all employees in the office and in the community are expected to be dressed and groomed in a manner that projects a professional and business-like image. For men, this includes being clean shaven or having neatly trimmed beards or mustaches.

12.04. Definitions:

12.04.01. Business Casual: WSCT objective in establishing a business casual dress code is to allow employees to work comfortably in the workplace while projecting a professional image for our customers, community visitors, and co-workers. As all casual clothing is not suitable for the office, these guidelines will help determine what is appropriate to wear to work.

Clothing that works well for the beach, yard work, dance clubs, exercise sessions, and sporting events is not appropriate for a professional appearance at work.

Clothing that reveals cleavage, your back, your chest, your underarms, your stomach, or your underwear is not appropriate for our place of business. Even in a business casual work environment, clothes must be neat, pressed and fit properly. Torn, dirty, or frayed clothing is unacceptable. All seams must be finished.

Clothing that has words, terms, or pictures that may be offensive to staff or customers is unacceptable. Clothing that has the WSCT logo is encouraged. University and fashion brand names on clothing are generally acceptable.

On approved “morale and special event” days, dress will be designated by the Center Administrator.

12.04.02. **Business Professional:** On occasions when business professional attire is required, the following attire is appropriate. For men: business suits with dress shirt and tie; business slacks with dress shirt, sport jacket and tie; business slacks worn with dress shirt and tie. For women: business suits (pants/skirt); tailored dresses; tailored blouses and skirts.

All Staff-Business Casual

Appropriate	Inappropriate
Dress Slacks, Pants, & Suit Pants	
Dress pants;	Denim jeans of any color; sweatpants, Cargo pants; drawstring bottom pants; spandex or form fitting pants; pants tucked into boots.

Dress Capri pants;	Flannel pants, exercise pants, Bermuda shorts, Short shorts, shorts, bib overalls, leggings;
Pant length definition: For women, dress slacks/pants that meet the above definition of appropriate business casual or business professional must be worn at <u>mid-calf or lower</u> . For men, dress slacks/pants must be worn at shoe level.	

Women-Business Casual

Appropriate	Inappropriate
Skirts, Dresses, & Skirted Suits	
Dresses, skirts, gaucho style/split skirts; Sleeveless dresses worn with a jacket or similar covering with sleeves;	Mini-skirts, skorts, sun dresses, beach dresses; spaghetti-strap dresses. Skirts that ride up the thigh;
Skirt length definition: skirts should be <u>at or slightly above knee area</u> .	
Dress Shirts, Blouses, & Jackets	
Dress shirts, blouses, sweaters, polo shirts that are sleeved (seam at shoulder present); suit jackets, sports jackets; camisoles, tank tops worn with jacket or similar covering with sleeves;	Any sleeveless garment to include halter tops, tube tops, midriff tops, crop tops, sweatshirts, athletic jerseys, jogging suits, T-shirts; shirts with offensive words, terms, logos, pictures, or slogans;
Dress Shoes & Footwear	
Dress heels/flats (closed toe, open toe, peep toe shoes); Dress sandals – with or without a strap in the back;	Flip flops/thong sandals defined as any shoe that has a strap between the toes;
Dress/western boots, mules, loafers, leather deck-type shoes;	Utility or military style boot; pants cannot be worn tucked into boots.

Men-Business Casual

Appropriate	Inappropriate
Dress Slacks, Pants, and Suit Pants	
Refer to the existing definition Dress pants listed under All Staff section.	
Dress Shirts & Jackets	
Oxford or Polo dress shirts, golf-type shirts, both sleeved and tucked in; Sweaters;	Sleeveless shirts to include tank tops, sweatshirts, athletic jerseys, jogging suits, and t-shirts. Shirts with offensive words, terms, logos, pictures or slogans;
Ties are not required unless there is a business related function or responsibility that requires it.	
Shoes	
Dress shoes, leather deck-type shoes;	Flip flop/thong sandals defined as any shoe that has a strap between the toes;
Cowboy/western boots;	Utility or military style boots, athletic or tennis shoes;
Socks must be worn at all times.	

12.05. Piercings, Tattoos, Head Coverings:

12.05.01. **Tattoos:** tattoos are not appropriate. The Supervisor determines if a tattoo is disruptive or distracting to customers and/or staff and thus inappropriate. In that case, visible tattoos must be covered by cosmetic means, sleeves/clothing, or band aids.

12.05.02. **Piercings:** facial or tongue piercings are not allowed in the work place. A maximum of two (2) earrings per ear are allowed but must be appropriate for the work place. No ear gauges or barrels are allowed. With both options, the Supervisor has the discretion to deem earrings and their placement inappropriate. If pierced earrings are new, consideration may be given until the initial period in which the earrings cannot be removed has passed.

12.05.03. **Hats & Head Coverings:** hats, to include baseball style caps, are not appropriate for the workplace. Head covers that are required for religious purposes, medical purposes, or to honor cultural traditions are allowed with Supervisor approval. Hats/head coverings may be approved during designated holiday or staff morale days as deemed appropriate by the Workforce Administrator.

12.06. **Casual Friday:** Each Friday is designated a casual day to allow staff an opportunity to dress more casually as outlined in the chart below. Staff may choose to dress in a business professional manner on Friday if responsibilities or the occasion calls for it. If Friday is an office holiday, Thursday may be a casual day. If there are two holidays prior to a casual day, the last workday prior to the holiday may be casual. Staff should wear appropriate casual clothing (see chart below) that is neat, clean and not overly revealing. Staff is expected to use good judgment to ensure their attire is appropriate for all activities for the day, including meetings and customer contact.

Casual Friday

Appropriate	Inappropriate
Slacks	
Jeans (must be clean, free of rips, tears, fraying and may not be excessively tight or revealing); Cargo pants; for women only: pants may be worn tucked into boots.	Shorts, Low Rise or Hip Hugger pants or jeans; Sweatpants, leggings, exercise wear; Skorts;
Shirts (Tops should be worn to cover the midriff or undergarments while standing, sitting, or bending)	
Polo collar knit, bowling styled shirts, (tucked or un-tucked)	Shirts with writing (words, terms, or pictures) that may be offensive to staff or customers;
T-shirts with Company/University/School logo/Fashion brands are generally acceptable;	T-shirts <i>without</i> Company/University/School logo/Fashion brands, or sweatshirts;
Oxford shirts, Caribbean styled shirts (tucked or un-tucked);	Beachwear;
Short-sleeve blouses or shirts;	Sleeveless blouses or shirts;
Appropriate	Inappropriate
Shirts (continued)	
Turtlenecks	Exercise wear
Blazers or sport coats	Crop Tops, midriffs,

Jackets or sweaters	spaghetti straps shirt/blouses
Shoes	
Boating or deck shoes, moccasins, casual boots, sandals with or without backs;	thongs, flip flops
Casual, low heel, open back shoes (i.e. mules, sling backs); athletic/tennis shoes (must be in clean, in good condition, and worn with socks, low cut or higher; dress sandals with a strap between the toes	crocs

12.07. Enforcement

12.07.01. It is the responsibility of each employee to read, become familiar with, and follow the dress code policy while using their best judgment and common sense in selecting clothing that meets the requirements of this policy.

12.07.02. A dress code violation discussion should happen in a private one-on-one setting (e.g. Supervisor's office) and be respectful but direct. Supervisors will clarify the policy and the issue will be addressed and resolved to the Supervisor's satisfaction. If the violation is deemed serious and inappropriate for the work place, the staff may be asked to return home and change. Severe or repeated non-compliance will result in disciplinary action that could include dismissal.

12.07.03. This policy will be followed and enforced throughout the organization for fairness and consistency.

12.07.04. If an employee has any questions concerning whether a certain type of apparel is appropriate, they should refrain from wearing questionable garments and consult their Supervisor for guidance.

12.08. Exceptions: although WSCT requires a professional image at all times, there may be situations when exceptions to the policy are allowed. Reasonable accommodation can be made for staff attire unless the accommodation: (1) affects the Company's image; (2) poses a safety or health risk; (3) adversely affects employee morale and/or productivity; or (4) violates a law or statute. Such exceptions will be permitted due to a staff member's responsibilities or nature of work (i.e., IT Department, Janitorial staff, special work days). An employee may request an accommodation to the dress code policy through a discussion with their Supervisor and may be asked to provide necessary documentation for approval.

SECTION 13.00: INCLEMENT WEATHER

13.01. **Specific information about actions to be taken during inclement weather is found in the Workforce System's Emergency Operations Plan and the local Workforce Center Emergency Operations Site Plan.**

13.02. In case of inclement weather in the Central Texas Workforce Area, it may be necessary to notify employees concerning the opening or closing of workforce offices, the release of employees from work, or initiation of take cover in a facility in the case of severe weather during business hours. Primary means of notification outside of business hours will be by voice mail broadcast to each employee's voice mail.

13.02.01. Workforce Administrators and Supervisors may also communicate weather information to employees via text message or cell phone for those who request this service. In the case of

severe weather during business hours, notification will be as quickly as possible using e-mail, text, and voice announcements.

13.03. **Temple, Belton, Killeen, and Rockdale:** employees not notified by text message/cell phone should call their voice mailbox during non-business hours for information on office closure. A high priority voice mail broadcast message will be the first message played after opening the mailbox indicating the status of the facility and what actions to take. The message will be played once and then automatically deleted. Be prepared to listen carefully. Subsequent voice mails may be added later.

13.04. **Lampasas:** employees should call one of the above offices to hear the broadcast message.

13.05. **General Public:** On the business day before a possible inclement weather day, designated Supervisors will leave a message that states the following: “Our offices are monitoring the current inclement weather status. If you are hearing this message during business hours on (TWC day and date) then please assume we are closed due to inclement weather.”

13.06. Generally, if Bell County offices are closed, WSCT offices in Bell County and possibly those in outlying areas are closed. In the outlying areas, if the school districts are closed due to bad weather, then the facilities in that area are closed. Check in with your Supervisor as soon as possible.

13.07. If the news media suggests staying off the roads, do so and find out if we are open. If we are closing, local TV stations may be informed. We are listed as Workforce Solutions of Central Texas.

13.08. **Personal safety is the first priority.** Use good judgment - safety comes first and situations may vary widely between locations. Depending on where you live and conditions there, you may need to handle the situation differently than other staff. Work out the safest arrangement for you and let your Supervisor know as soon as possible.

13.09. **Leave Time:** If your office is open and you cannot report to work, leave time will be assessed. If a site outside your normal center assignment is closed, e.g. an ISD or itinerant office, but your center is open, the expectation is that you report to work. If you cannot report to work, leave time will be taken. The Supervisor will determine the kind of personal leave to use. Supervisors will adjust leave for employees that have submitted leave requests prior to the decision for closure.

13.10. TWC policy will be followed concerning leave to be assessed for TWC employees.

SECTION 14.00: USE OF COMPUTER SOFTWARE/HARDWARE AND TELECOMMUNICATIONS

14.01. **Software/Hardware Acceptable Use Policy.** This section defines the boundaries for the acceptable use of WSCT and partner electronic resources.

14.01.01. All hardware devices, software programs, and network systems purchased and provided by WSCT and its facility tenants are to be used only for creating, researching, processing organization-related materials, and for the support of workforce customers.

14.01.02. By using WSCT hardware, software, and network systems every employee and tenant employee assumes personal responsibility for appropriate use and agrees to comply with this and other applicable policies, as well as any applicable city, TWC, and federal laws and regulations.

14.02. **Software.** All software acquired by or on behalf of the WSCT or developed by company employees or contract personnel on behalf of the WSCT and its partners is considered WSCT property. Unless otherwise agreed upon by WSCT management and tenants, all such software packages must be used in compliance with applicable licenses, notices, contracts, and agreements.

14.02.01. **Purchasing.** All software purchases by and for WSCT shall be centralized with and reviewed by the information technology (IT) department to ensure that all applications conform to established WSCT standards and are lawfully purchased at the best possible price. Requests for purchases must be submitted first to the appropriate management staff for approval and screening for need and proper budget approval. The request shall be sent to the Automated Systems Manager, who will determine the technology that best accommodates the request.

14.02.02. **Licensing.** WSCT and tenant employees will not violate the applicable license of copyrighted software used by the WSCT or by partner employees. Exceptions may be granted for backup and archival purposes. Any violation of the software manufacturer's license agreement may be a violation of Federal and State law and therefore, a violation of WSCT policy. Software manufacturer license agreements are available by requesting them from the IT department.

14.02.03. **Software Standards.** Software standards are established by the IT department and are subject to change without notice. The standard suite of software tools provided to WSCT staff and tenant employees are:

Desktop operating system and all "built-in" components of the operating system

Standard software automation tools to include a word processor, spreadsheet, presentation, database, and desktop publishing

Web browser

E-mail client software to access WSCT mail stores

Terminal emulation software

Virus scanning software

ShoreTel phone software

Select utility software deemed appropriate by the IT department.

14.02.04. **Installation.** WSCT and partner employees will not install additional software products without the express approval of the IT department. These include, but are not limited to:

Downloading of screen savers, web radio/TV or sound software, chat utilities, or any software product that is not approved for use by IT

Updates to existing software; all updates to existing and currently installed workstation software are tested and ultimately performed by the IT department.

Employees needing software other than the application program types listed above must obtain approval from their Supervisor and forward the request to the Automated Systems manager. Each request will be considered on a case-by-case basis in conjunction with the

software-purchasing section of this policy, management approval, software company's licensing agreement, and successful testing by the IT department.

14.02.05. **Software Usage**

Streaming Audio/Video: No streaming audio or video should be used in the WSCT facility except when necessary for business related purposes.

Instant Messaging: Instant messaging will be used only for business between employees and WSCT partners and customers.

Exceptions

Select staff chosen by the WSCT Chief Operating Officer or the Board Executive Director in consultation with the IT department may be required to use software other than the established WSCT supported software standards. These include, but are not limited to technical staff, pilot test groups or individual staff for the purpose of testing, staff responsible for web development, and certain board staff.

In the case of assessment software purchases the Program Specialist for Assessment will forward procurement documentation to the IT department for a compatibility review prior to procurement.

14.03. **Hardware**

14.03.01. All hardware devices acquired by or on behalf of the WSCT is considered to be WSCT property unless otherwise agreed upon by WSCT and WSCT tenants.

14.03.02. All such hardware devices must be used in compliance with applicable licenses, notices, contracts, agreements, and successful testing for implementation in WSCT facilities. This testing will be completed by the information systems department.

14.03.03. Use of hardware brought to WSCT facilities is at the discretion of the information systems department pending standards, product knowledge, and support availability. No WSCT employee or partner employee shall bring any hardware device into any WSCT facility without the expressed written approval by the IT department and the appropriate WSCT management.

14.03.04. Purchasing. All hardware purchases including telephone equipment, personal computers, and peripheral equipment made by and for WSCT employees and tenant employees shall be subject to review and approval by the IT department to ensure that all equipment conforms to supported hardware standards and is purchased at the best possible price.

All requests for purchases must be submitted first to the appropriate Supervisor to determine need and to obtain proper expenditure approval.

The request must then be sent to the Automated Systems Manager who will determine the technology solution or product that best accommodates the purchase request.

14.03.05. **Hardware Standards.** Technical standards are established by the information systems department for the purpose of configuration for WSCT and tenant computers (excluding test computers). These standards are fully supported by the IT department. Any hardware outside the

established supported standards will be supported at the discretion of the IT department and management.

Standards rapidly become obsolete. The IT department will decide all hardware standards at the purchase approval time. The IT department operates on a philosophy that recommends the WSCT and partners purchase technology and equipment at the top of the technology performance curve. This provides for the longest of production life cycles before requiring technology refresh. Recommended product solutions will be decided by the IT department in cooperation with the end user and end user management, and will be based upon budget availability and a justifiable business need.

14.03.06. **Desktop Computer Workstations:** are provided to employees who work primarily from their WSCT office location with exceptions made for staff who have management approval to telecommute.

14.03.07. **Laptop Computer Workstations:** are provided only to employees required to frequently work away from the office and is subject to management approval.

14.03.08. **Printers:** Employees have access to appropriate network printers. In limited cases, employees may be given local printers as approved by the appropriate management staff.

14.03.09. **Exceptions:** Employees needing computer hardware other than what is stated above will obtain approval for such hardware from management and the IT department. Each request will be considered on a case-by-case basis in conjunction with the hardware purchasing section of this policy.

14.03.10. **Non-WSCT Equipment:** No technology equipment may be brought into any WSCT facilities and operated stand-alone, attached to local personal computers, or plugged into the company's network without first obtaining prior approval from the IT department.

14.03.11. **Equipment Moves:** All equipment moves must be approved by Supervisors and the Information systems department and handled by IT department staff.

14.04. **Violations and penalties:** Penalties for violating the Software/Hardware Policy will vary depending on the nature and severity of the specific violation. Violations of the Software/Hardware Policy may result in:

14.04.01. Progressive disciplinary action up to and including termination of employment, and/or,

14.04.02. Civil or criminal charges under federal and/or State law as applicable.

14.05. **Telecommunications, Wide Area, Network and Internet Services:** Telecommunications includes telephones, fax, e-mail content and addresses, Internet, computer systems, and computer storage. These are the property of WSCT and are provided to employees for business purposes only. Violations may result in progressive disciplinary action up to and including termination of employment and, in some cases, charges under TWC and federal law.

14.05.01. Workforce Administrators and Supervisors will ensure that persons under their jurisdiction who are no longer employed are reported as no longer employed to IT in accordance with Section 5.00 of this policy.

14.05.02. **Telephone:** The workforce telephone system allows a wide variety of calling options. Calls made and received are for business purposes and for limited personal use.

Personal calls may be made from workforce phones only when they are local or toll-free. They should be infrequent and not disrupt completion of job duties or customer service.

Emergency calls are the exception and must be justified.

14.05.03. **Fax:** Staff shall be attentive to the use of Fax for other than business purposes. Documents containing private, sensitive, or confidential information should not be sent via FAX.

14.05.04. **E-Mail System:** WSCT e-mail is provided for the conduct of WSCT business.

Employee E-mail is not considered to be private. No employee shall have expectations of privacy when using e-mail.

E-mail containing sensitive or confidential information such as Social Security Numbers, or personally identifiable information should be avoided. If necessary for business, e-mail containing this information may be sent but only if the mail is encrypted. Mail sent within the WSCT e-mail system is considered safe. Best practices include:

Sending sensitive or confidential customer data in a password-protected attachment, not in the body of the e-mail transmittal

Requesting that the recipient contact the sender via phone to obtain the password for the attachment

As a public entity, WSCT e-mail is a matter of public record. E-mail may be subject to the Texas Public Information Act, the Open Records Act, or the Freedom of Information Act.

All e-mail traffic is recorded and stored along with the source and destination, and that management has the ability and right to review employee e-mail.

Personal pictures/documents/messages, personal business, jokes and cartoons, items commonly known as "Spam", or offensive material such as, but not limited to, pornography or harassing or threatening information, will not be sent over or stored in the WSCT e-mail system.

14.05.05. **Internet Access and Use:** Access to the Internet is provided for business and infrequent and brief personal use only.

Using the Internet for limited personal searches is allowed provided it does not interfere with the duties of the employee and does not violate the provisions of this policy. No employee shall have any expectation of privacy while using the WSCT internet.

The Internet will not be used:

To order or purchase personal goods

To access, send, receive, create, or store pornography or to any material considered offensive or illegal under State and Federal law.

For personal gain or for operating a business

For unlawful or malicious activities, to include, but not limited to, activities known to be illegal such as bookmaking, gambling, drug dealing, operation of a prostitution or theft ring, or downloading pirated software or music files.

To participate in Internet “chat rooms”, social media sites such as Face Book, Twitter, and others, unless approved as a workforce business activity. The WSCT Social Media Policy, published separately, provides policy guidelines in the use of social media as it relates to WSCT, its activities, and the professional working lives and duties of its employees and tenants.

14.06. WSCT Monitoring of the Use of Electronic Communications: includes e-mail, telephones, fax, and Internet access. WSCT reserves the right to monitor all systems to ensure they are being used in a lawful manner and in conjunction with policy. Current technology allows for generation of a variety of telephone and computer systems reports and audits that can be used as management tools by Administrators and Supervisors.

14.06.01. **With authority granted by the Chief Operating Officer, designated staff** may screen telephone bills and logs provided by the telephone service to learn of fraud or abuse of the telephone system.

14.06.02. Use of the workforce system’s e-mail and computer Internet access is subject to random screening and investigation by technical staff and management to determine how a staff person is using e-mail and Internet access as well as to determine what information is stored in the employee’s computer storage. These actions may be accomplished without the knowledge of the person concerned.

14.06.03. Management may investigate and take appropriate action on reported instances of illegal or suspected illegal activities using WSCT electronic communications. In cases where the originating, sending, receiving, or possession of material believed to be prohibited by State and Federal law is found in the computer system or in e-mails received or sent via the workforce network, the Workforce Administrator and **WSCT Chief Operating Officer** will determine appropriate action. This may include a report to appropriate civil authority for an investigation of criminal activity if necessary.

14.06.04. If, after a review of facts workforce centers employees are found to be in violation of this policy, adverse personnel action up to and including termination of employment may be taken. Violations of this policy for those employed by tenant activities are reported to the appropriate Supervisor for action.

SECTION 15.00 EMPLOYEE TUITION REIMBURSEMENT BENEFIT

15.01. This section supplements CTCOG Personnel Policies, Paragraph 19.02. It outlines WSCT policy and procedures concerning reimbursement of tuition/fees and books to regular, full-time CTCOG employees who choose, through attendance at a course or courses at an accredited school, college or university, to attain a higher level of training or education for the purpose of enhancing workforce job skills and performance. **It is totally dependent upon the appropriate levels of funding and may be discontinued at times due to funding and/or other issues.**

15.02. Tuition reimbursement may be approved for courses and programs that benefit WSCT through job-related learning and resultant improved job performance. There must be a direct correlation between the course(s) requested and the job. Reimbursement is subject to availability of funds, the employee's goal(s) and desired education program, the relationship of the education to the employee's job, and the cost of the program. It is not an entitlement nor is it intended solely for attainment of associate, bachelor, or advance-level degrees.

15.03. Financial aid received at any time by the employee during the period of the benefit, to include Federal and State grants and scholarships, will be applied first to the cost of the education. CTCOG will only reimburse employees for the remainder of the allowed cost of books, fees, and tuition that are not already paid by financial aid resources.

15.03.01. The employee shall provide to the Workforce Administrator documented proof from the school's financial aid office or other responsible agency of financial aid received during the reimbursement period. This shall be attached to the Tuition Reimbursement Form when forwarded for payment. This should be an invoice or other document that shows first payment by financial aid for the courses being reimbursed.

15.04. **Approval authority:** is the CTCOG Executive Director. The initial request will be routed through the employee's Supervisor, Workforce Administrator, and the **WSCT Chief Operating Officer**, to CTCOG.

15.05. Reimbursement is not retroactive for courses completed prior to approval of the initial request by the CTCOG Executive Director.

15.06. Reimbursement is for tuition/fees and book costs only. Supplies, meals, mileage, and other purchases are not included.

15.07. Requests for reimbursement are submitted after completion of the course(s) for which reimbursement is claimed. To be eligible for reimbursement, the course(s) must each have a grade of no less than a B.

15.08. The WSCT **Chief Operating Officer** sets a cost cap for reimbursement based on the WSCT budget for the fiscal year in which the request is received. The cap may not be exceeded for any reason regardless of personal circumstances or other factors. Costs included in the cap are published tuition, fees and books only.

15.09. Procedures:

15.09.01. A one-time, initial request shall be approved prior to completing actual enrollment (completion of the administrative activities required by the school that enables the student to pay for and attend class) in the program or courses listed for which the reimbursements benefit are being requested. If the employee is already enrolled and/or has taken courses previously the initial request and approval will be submitted prior to (and for) enrollment into the next semester, period, or course. The request is submitted for approval through the Supervisor and Workforce Administer to the **WSCT Chief Operating Officer**. The **Chief Operating Officer** considers the availability of funds. If the **Chief Operating Officer** recommends approval, a cost cap will be set and the request forwarded to the CTCOG Executive Director.

15.09.02. At any level the request may be returned to the originating employee for questions, modification, or additional information.

15.09.03. The Executive Director, CTCOG approves or disapproves the request.

Approval: The original, signed request is sent by CTCOG to the board's fiscal office where it is filed. Fiscal provides copies to the Workforce Administrator or **WSCT Chief Operating Officer** who informs the employee of the results and provides a copy to them. Then, as courses are completed, the employee submits appropriate payment documents in support of the approved request.

Disapproval: The request is returned by CTCOG to the Workforce Administrator. The Administrator or **WSCT Chief Operating Officer** informs the employee of the results, keeps a copy of the disapproval in the local files, and returns the original request to the employee.

15.09.04. Subsequent to approval, the employee submits requests for payment following completion of courses. Requests are approved by the **WSCT Chief Operating Officer** based on availability of funds.

15.09.05. Before signing the reimbursement request, the Supervisor/Workforce Administrator must ensure that expenditures do not exceed the cap and that documents are present showing the amount, less financial aid as applicable.

15.10. Initial Request for Tuition Benefit form.

15.10.01. The Initial Request for CTCOG Tuition Benefit form (see Intranet) is a one-time submission. Its purpose is to request permission for the benefit and outline, in detail, the program and courses to be covered under the benefit. It is submitted prior to completing enrollment for the courses to be covered.

15.10.02. Attachments to the request include:

Names of course(s) to be covered under the benefit; these may be extracted from a school catalog or degree plan from the school.

If applicable, a copy of a transcript or grade report showing course(s) already taken toward the employee's goal.

Initial cost per credit hour to be covered under this benefit

Explanation of how the education will benefit job duties and enhance WSCT operations

15.10.03. The completed form and attachments will be submitted through the Supervisor and/or Workforce Administrator to the **WSCT Chief Operating Officer**.

15.10. Reimbursement Procedures and Form

15.10.01. As course(s) approved for reimbursement are completed, a request for payment is prepared by the employee using the Request for Tuition Reimbursement Form. It is submitted through Supervisor levels to the fiscal office at the Workforce Board. Each Supervisor must ensure that the course(s) submitted are covered under the benefit and that the cap will not be exceeded by signing the form. Comments may be indicated separately. The **WSCT Chief Operating Officer** has approval authority for the reimbursement. The **Chief Operating Officer** may approve, disapprove, or approve with exceptions that will be enumerated separately.

15.10.02. The total cost of books and tuition/fees for this request are indicated on the form and financial aid applied to the cost is subtracted from the subtotal to provide a total to be paid as reimbursement.

15.10.03. The employee must attach a grade report to the request indicating the grade received for each course claimed for reimbursement. In addition, receipts showing payment by the employee must be attached and shall show the amount of financial aid applied toward the costs as applicable.

15.10.04. If approved, the original will be submitted by the WSCT **Chief Operating Officer** to the Workforce Board fiscal office for payment with a copy retained in the local center file. If not approved, the form will be returned to the employee with a copy retained in the local center file.

SECTION 16.00 EQUAL OPPORTUNITY

16.01. WSCT will not discriminate against any individual on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act of 2014 (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA financially assisted program or activity.

16.02. WSCT must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIOA financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

16.03. What to do if you believe you have experienced discrimination:

16.03.01. If you or a customer think that you or they have been subjected to discrimination under a WIOA financially assisted program or activity, a complaint may be filed against WSCT within 180 days from the date of the alleged violation with either the Central Texas Workforce Board (CTWB) Equal Opportunity Officer (or the person designated by CTWB for this purpose) or the Chief Operating Officer, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

16.03.02. Once filed, you must wait either until the CTWB issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (CRC, see address above).

16.03.03. If the CTWB does not give a written Notice of Final Action within 90 days of the day on which the complaint was filed, a complaint may be filed directly to the CRC. However, the complaint must be filed with CRC within 30 days after the 90-day deadline (in other words, within 120 days after the day on which the complaint was filed with the CTWB).

16.03.04. If the CTWB does give a written Notice of Final Action on the complaint, but there is dissatisfaction with the decision or resolution, a complaint may be filed with the CRC. The CRC complaint must be filed within 30 days of the date the Notice of Final Action was issued.