

# The Importance of Policies

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# Disclaimer

*This training is designed to provide general information about the subject matter covered. Neither TAC nor the trainers are engaged in rendering legal advice. If you need legal advice, TAC recommends that you seek the services of a competent attorney who is familiar with your specific situation.*

# Collective Bargaining Disclaimer

*If your county has a Collective Bargaining Agreement, please refer to the specific language in your agreement and consult with your county attorney or legal counsel, as some things discussed in this presentation may not be applicable to your County. Your county may be subject to the terms and agreements in your Collective Bargaining Agreement.*



# What is Risk??

*“The possibility of something bad happening”.*

# Employee Handbook

- ✓ Easy to Read
- ✓ Easy to Understand
- ✓ Communication for Employees
- ✓ State and Federal Law Compliance



# Updating the Employee Handbook

**New legislation, court cases and new management philosophy**

**Need to be reviewed annually**

**The County should have a gatekeeper to keep the latest copy of the County's Employee Handbook**

**Employee Policies should accurately state the County's procedures and practices for its employees**

# Employee Policies

Employee Policies are defined as pre-made management decisions affecting the employer-employee relationship.

- The absence of written policies does not mean the county does not have a policy
- A poorly written or inconsistently followed policy can also be high risk for the County

# Creating Employee Policies

Can be challenging in Texas Counties due to their structure

Best Practice:

All officials work as a unified governing body to develop an effective Employee handbook





# Employee Policy Wording

These Four words have a definite impact on the strength of a policy .....

**SHALL**

**WILL**

**SHOULD**

**MAY**

# Reasons for Policies

**Meet the  
requirements of  
the law**

**Describe and set  
parameters on a  
benefit**

**Set performance  
standards**

**Further define the  
employer-  
employee  
relationship**

# Federal Employment Laws:

**TITLE VII of  
the Civil Rights  
Act of 1964**

**Americans  
with  
Disabilities Act  
as Amended**

**Fair Labor  
Standards  
Act**

**Family and  
Medical Leave  
Act**

# Commonly Missed Policies



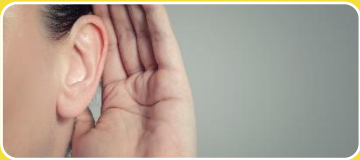
**Personnel Files**



**Nursing Mother's Break**



**Weather/Emergency Closings**



**Confidentiality**



**Workplace Violence**



**Social Media**

# Departmental Policies

**Cell Phone Use**

**Calling Out Sick / Tardy**

**Requesting Time Off**

**Dress Code**

# Liability Control

Next are some very important policies that can reduce liability:

**Harassment**  
**Sexual Harassment**  
**Discrimination**  
**Retaliation**



# Liability Control: Harassment

- Can affect morale of the county
- Cause harm to county's image
- Impact county financially
  - Is in the eyes of the offended
- Is not defined by the intention

# Liability Control: Sexual Harassment

## **Unwelcome behavior based on:**

- Sexual advances
  - Requests for sexual favors
  - Verbal and physical conduct of a sexual nature
- 
- ❖ Can cause a hostile environment for those who are directly offended or are a bystander



# Liability Control: Discrimination

## **Laws that protect employees:**

- Civil Rights Act of 1964
- Age Discrimination in Employment Act
- Americans with Disabilities Act as Amended
- Pregnancy Discrimination Act
- Genetic Information Non-Discrimination Act

Liability  
Control:  
Retaliation

## **Texas Whistleblower Act:**

Protected from retaliation

Worker's Compensation Claim

Family Medical Leave

Making a good faith complaint


# Liability Control

- Employers paying out large \$\$\$ due to preventable charges
- Retaliation #1 in Texas
- EEOC had almost 4,000 charges filed - 2020
- EEOC secured over \$400M from employers
- Well written and well communicated policies can defend the County from this risk



# Development

Request a review of county handbook by your HR Consultant



They will review and go over suggestions with the county



The county will then revise their employee policies

# Fine-tuning

When revising your County Employee Policy:

**Correct Changes  
from previous  
Employee Policy**

**Proofread**

**Grammar  
errors/spelling**


**Have it reviewed**

# Development

The commissioners court will discuss and approve new policies – **ONLY WAY TO GET EXCEPTIONS**

A white downward-pointing arrow with a slight shadow, indicating the flow from the first step to the second.

The new employee policies will be distributed to county employees, who read and sign acknowledgements

A white downward-pointing arrow with a slight shadow, indicating the flow from the second step to the third.

The signed acknowledgement is placed in their personnel file



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