WORKFORCE SOLUTIONS TEXOMA
POLICIES & PROCEDURES
CHAPTER 5 - PERSONNEL

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5.1 NOTICE TO EMPLOYEES

NOTICE TO EMPLOYEES

The policies set forth in this employee manual are not a binding employment contract. This handbook provides general guidelines only and none of its provisions are binding or contractual in nature. I understand that all employment with WST is at will, meaning that my employment may be terminated at any time, with or without notice, for any reason or no reason, by either WST or the employee.

This manual is not a contract guaranteeing employment for any specific period of time. Either WST or the employee may end this relationship at any time, with or without cause, notice or reason. No manager, supervisor or representative other than WST's Executive Director has the authority to enter into any agreement regarding your employment or to make any written or oral promises, agreements or commitments contrary to this policy. Further, any employment agreement entered into by the Executive Director will not be enforceable unless it is in writing.

This manual replaces and supercedes all earlier WST personnel practices, policies and guidelines.

5.2 ABOUT WORKFORCE SOLUTIONS TEXOMA

5.2.1 GENERAL INFORMATION

The Workforce Solutions Texoma (WST) was established to oversee the implementation of workforce development efforts in the three county region of Fannin, Cooke and Grayson Counties in what is known as the Texoma region, encompassing 2737 square miles.

5.2.2 PURPOSE OF WST

The general purpose of WST is to promote regional economic prosperity and individual self-sufficiency to ensure a globally competitive workforce throughout the region.

5.3 GENERAL POLICIES

5.3.1 AUTHORITY

These policies are established by the WST, and any deletions, amendments, revisions, or additions to the policies must be approved by that Body. The Director may issue oral or written interpretations or clarifications of the policies.

These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the Board.

5.3.2 SEVERABILITY

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

5.3.3 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES

The Director is the chief executive officer of the WST and is responsible for the formulation of personnel procedures and the administration of personnel policies and procedures. The Director may delegate authority to appropriate staff members to act in his/her behalf in the administration of these policies and procedures.

5.3.4 PURPOSE

These policies set forth the primary rules governing employment with WST. The policies contained herein inform employees of the benefits and obligations of employment with WST. They have been prepared and adopted in order to promote consistent, equitable, and effective practices by both employees and supervisors that will result in high quality public service to WST's constituency.

5.3.5 APPLICABILITY OF PERSONNEL POLICIES

These personnel policies apply equally to all employees of WST unless a class of employees is specifically exempted by these policies or by written agreement with WST.

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

5.3.6 DISSEMINATION OF PERSONNEL POLICIES

5.3.6.1 MAINTENANCE

The Director or his/her designee maintains the official set of the personnel policies with all revisions for reference by employees. In addition, the Director or his/her designee will provide a complete copy of these policies and copies of all subsequent revisions to each department head, who is

responsible for notifying employees of policy changes and making the updated manual available to employees. If a question arises about a particular policy, the official set of policies maintained by the Director should be consulted and shall control.

5.3.6.2 DISSEMINATION TO EMPLOYEES

Employees are required to read these policies carefully and to adhere to the rules and regulations stated herein. Within two weeks of employment every employee is required to sign an acknowledgment of having read and understood the Personnel Policies Manual for the Workforce Solutions Texoma.

5.3.7 EQUAL EMPLOYMENT OPPORTUNITY

The WST provides equal opportunities consistent with applicable federal and state laws, rules, guidelines, regulations, and executive orders. Such regulations include, but are not limited to:

1) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination under any program or activity receiving federal financial assistance

2) Title VII of the Civil Rights Act of 1964, as amended, and its implementing regulations at 29 CFR Part 37 which prohibit discrimination based on race, color, religion, sex, or national origin in any term, condition or privilege of employment

3) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals on the basis of disability

4) Age Discrimination in Employment Act of 1967, as amended, which prohibits discrimination against individuals 40 years of age and older

5) Americans with Disabilities Act of 1990 which prohibits discrimination against qualified individuals with disabilities

6) Age Discrimination Act of 1975, as amended, which prohibits discrimination based on age in programs receiving federal financial assistance

7) Texas Commission on Human Rights Act, as amended, which prohibits discrimination in employment based on race, color, handicap, religion, sex, national origin, or age (40-70)

8) Pregnancy Discrimination Act of 1978, which prohibits discrimination against pregnant women.

It is WST policy to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward

mobility, discipline, or any other aspect of personnel administration based on race, age, religion, color, disability, national origin, or gender. Personnel decisions will be made only on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform a specific job.

WST's goal is total workforce diversification on all levels of staff from non-professional to Director and, therefore, WST will continually strive to develop a staff composition that is reflective of the workforce of the Texoma region. WST will use a job related, objective, measurable point system for final employment selection. For the purposes of this section "workforce" includes anyone actively seeking employment, has the ability to work, or has chosen to return to the world of work.

WST reviews, evaluates, and monitors all customer services and personnel matters of contractors to ensure their policies are in accordance with the above referenced laws and regulations and prompt attention is given to areas of inconsistency.

WST investigates charges of alleged discrimination in employment, both internally and externally, and informs the general public and WST employees of their rights in regard to equal employment opportunity.

WST assures that staff act in conformity with the principles outlined in this policy through adherence to the above statements and recognizes that the effective application of equal opportunity in employment must involve more than a non-discriminatory policy statement.

5.3.7.1 EQUAL OPPORTUNITY EMPLOYEE TRAINING

As part of WST's proactive efforts to ensure equal opportunity and compliance with the equal opportunity provisions of applicable state and federal laws, training for all employees is required in this area. WST's EO Officer or his designee shall train each new employee during orientation on equal opportunity policies and procedures prohibiting discrimination, including sexual harassment. In addition, supplemental training may be provided to each employee annually and a signed statement from each employee documenting attendance at this training is placed in the employee's personnel file.

5.3.7.2 EEO COMPLAINTS

WST distributes information regarding equal employment opportunity through the Personnel Manual.

Employees may report EEO-related complaints through the WST grievance procedure in Section 19 of this Personnel Manual. The WST resolves EEO complaints through the grievance procedure.

5.3.8 AFFIRMATIVE ACTION

WST will take affirmative action to see that applicants are employed, and employees are treated equally, without discrimination, during their employment based on race, age, religion, color, disability, national origin, or gender. In addition, WST will seek actively to include qualified members of minority groups in applicant pools. WST will also target qualified minority and women applicants for staff positions on all levels.

5.3.9 SEXUAL HARASSMENT

5.3.9.1 SEXUAL HARASSMENT POLICY

It is WST policy to provide and maintain a work environment that is free of sexual harassment, sexual exploitation, and intimidation. All employees are expected to comply with this policy; failure to do so will result in disciplinary action up to and including immediate dismissal.

5.3.9.2 SEXUAL HARASSMENT DEFINITIONS

In this section, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual nature that create a hostile working environment or the submission to which is made a term or condition of a person's employment.

The WST seeks to maintain a workplace free of sexual harassment and intimidation. Such conduct may be construed as sexual harassment regardless of whether:

1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individuals employment, or

2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.

Conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment may be considered sexual harassment if the conduct in question is found to be offensive by the person, whether a participant to the conduct or not.

Vulgar, abusive, humiliating or threatening language, sexually oriented practical jokes, e-mails, or other inappropriate behavior in the workplace undermine the agency's mission, employee morale and productivity and will not be tolerated. In addition, WST does not condone any employee accessing sexually-explicit sites through WST-maintained Internet or Intranet connections.

WST does not tolerate the harassment of any employee or non-employee by any other employee or non-employee for any reason. Harassment of a sexual nature is a violation of various state and federal laws, which may subject the individual harasser to liability for any such unlawful conduct. WST has the right to enter and inspect all WST property and to enter or inspect any employee work area including, but not limited to desks, telephones, computers and computer storage disks, with or without notice. WST Automation Staff and management may monitor telephone conversations, voice and E-mail messages. Any conversation or message discovered by management that constitutes sexual harassment in the workplace can be used as the basis for taking immediate action.

Non-employee violators of this policy are subject to expulsion from WST offices or any WST facility when harassment occurs on WST premises. The WST may discontinue service to off-WST premise violators of this policy. Furthermore, the WST may report violators to the appropriate authority for civil or criminal action. The WST prohibits retaliation of any kind against employees who, in good faith, bring sexual harassment complaints or cooperate in the investigation of complaints.

Exercising rights under this policy does not in any way preclude an employee's right to seek relief through the Texas Commission on Human Rights, the Equal Employment Opportunity Commission, or in a court of proper jurisdiction for any complaint for which a remedy is provided under state or federal law.

5.3.9.3 REPORTING AND INVESTIGATION OF SEXUAL HARASSMENT

Employees who become aware of sexual harassment or believe they have been subjected to such treatment should report such actions to the Complaint Monitor or the WST Executive Director.

It is not necessary for an employee to file a formal complaint or grievance to report sexual harassment. The WST takes all sexual harassment complaints seriously and handles such complaints as confidentially as possible.

The WST takes the following steps when an allegation of sexual harassment is reported:

1) The Complaint Monitor or other individual designated by the Executive Director or the Presiding Officer of the Board expediently conducts interviews with the complainant and the alleged harasser. A written statement is requested from the complainant, the alleged harasser and any possible witnesses.

2) In order to facilitate a thorough investigation, the Executive Director, with the approval of the Presiding Officer of the Board, may authorize the suspension with pay of the alleged harasser pending the outcome of the investigation.

3) The WST representative forwards the findings to the Executive Director with a recommendation regarding actions to be taken.

4) After reviewing the WST representative's findings and recommendations, the Executive Director determines if further investigation is needed.

5) If the Executive Director determines that further investigation is not necessary, he/she forwards the WST representatives' findings, recommendations, and all relevant documentation to the Presiding Officer of the Board for review.

6) If the Executive Director determines that further investigation is necessary, he/she assigns the case to an impartial outside entity knowledgeable in the laws surrounding this issue to conduct a thorough investigation of all the allegations

7) The appointee reviews and corroborates all information relating to the complainant's allegations to the fullest extent possible, including interviewing the alleged harasser. The appointee cautions the alleged harasser that any attempts to retaliate against or influence the testimony of the complainant or witnesses will result in disciplinary action, which may include the alleged harasser's immediate termination.

8) After conducting a thorough investigation of the allegations regarding sexual harassment, the appointee reports all findings and conclusions to the Executive Director and the Presiding Officer of the Board.

9) The Executive Director consults with the Presiding Officer of the Board to determine what disciplinary action, if any, is warranted by the results of the investigation or the findings and recommendation of the appointee.

10) The Executive Director notifies the complainant and the accused harasser when the investigation is concluded.

11) Interviews, allegations, statements, and identities remain confidential to the extent possible and allowed by law.

12) No information related to the complaint or any investigation is filed in the personnel files of the involved employees.

5.3.9.4 RETALIATION

The WST prohibits retaliation in any form against any employee for making a complaint about any discriminatory conduct or harassment. Any employee who is in violation of this policy is subject to disciplinary action up to and including dismissal.

Texas law ensures the protection of employees who report the violation of a law under the Whistle Blower Act. It is illegal to suspend or dismiss an employee for reporting the violation of a law. An employee who seeks and is granted relief under this act may recover actual damages, exemplary damages, court costs, and reasonable attorneys' fees. Also, the employee may be entitled to:

1) Reinstatement to the employee's former position.
2) Compensation for wages lost during the period of suspension or dismissal.
3) Reinstatement of any fringe benefits or seniority rights lost because of the suspension or dismissal.

5.3.10 WORKPLACE VIOLENCE

5.3.10.1 WORKPLACE VIOLENCE POLICY

WST has a zero tolerance policy concerning threats of violence in the workplace and is committed to maintaining a workplace free of threats of violence. A threat of violence is defined as any act of physical aggression or any statement which could be perceived as intent to cause harm to an employee or any other person connected with the workplace or to the agency itself. All threats of violence will be taken seriously and investigated accordingly. Such statements or behaviors amongst employees undermine the agency's mission, employee morale and productivity, and will not be tolerated. Threats of violence in the workplace may violate various state and federal laws, and may subject the violator to criminal or civil liability for any such unlawful conduct. WST has the right to enter and inspect all WST property and to enter or inspect any employee work area including, but not limited to desks, telephones, computers and computer storage disks, with or without notice. WST Automation Staff and management may monitor telephone conversations, voice and E-mail messages. Any conversation or message discovered by management that constitutes a threat of violence in the workplace can be used as the basis for taking immediate action.

5.3.10.2 WORKPLACE VIOLENCE REPORTING

The primary goal of reporting and investigating threats of violence in the workplace is to resolve such incidents without the occurrence of violence. Each case will be assessed individually and responded to accordingly.

5.3.10.3 WORKPLACE VIOLENCE INVESTIGATION

All alleged threats of workplace violence will be investigated by a supervisor or the Executive Director. A supervisor who witnesses, or to whom a threat of violence in the workplace is reported, is responsible for taking prompt appropriate action, which will depend on the circumstances of each case.

5.3.10.4 WORKPLACE VIOLENCE POLICY VIOLATIONS

WST supervisors are empowered to suspend employees with pay immediately upon being confronted with any incident involving a risk of immediate harm to any individual or to the agency itself. Appropriate action for emergency situations may dictate the immediate intervention of outside authorities such as the police or medical professionals before proceeding with WST's internal policy guidelines outlined below. Employee violators of this policy are subject to immediate disciplinary action up to and including termination from employment. Non-employee violators of this policy are subject to expulsion from a WST facility and the denial of WST services. In addition, WST may report violators to the appropriate authorities for criminal or civil action.

5.3.11 PERSONS WITH DISABILITIES

The Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act of 1990, as amended, and the Texas Commission on Human Rights Act, as amended, prohibit discrimination against qualified individuals with disabilities who may be able to perform the essential functions of a position with or without reasonable accommodation. It is the policy of WST to make its employment application process, employee activities, working environment, employee benefits, employee training, and employee advancement process accessible to disabled persons. Any WST employee that indicates a need for special arrangements to accommodate a physical or mental disability will be accommodated unless that accommodation will place an undue hardship on WST operations. Items to be taken into consideration by the WST in considering a request for accommodation include:

1) Whether quality and quantity of services would be significantly altered or reduced.

2) Whether program implementation would be significantly delayed.

3) Whether the net cost of the accommodation would be substantial.

4) Whether heavier workloads would be created for other employees.

5) Whether the ability of other employees to do their jobs would be affected.

5.3.12 POLICY CHANGES

These personnel policies may be amended or revised, or new policies may be added, at any time, with or without notice, upon the approval of the Board.

5.3.13 EMPLOYEE SUGGESTIONS

Employees are encouraged to make constructive suggestions for improvements in these policies or in work procedures or conditions. Any employee who wishes to suggest a personnel policy change should submit his/her suggestion(s) in writing to the Director who will forward the information to the Board, where appropriate, along with the rationale for making the change. Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed.

5.3.14 DEFINITIONS

5.3.14.1 EMPLOYEE

For the purposes of these policies, "employee" includes regular full-time, regular part-time, temporary full-time, and temporary part-time individuals who are listed on WST's payroll. "Employee" does not include persons engaged under consulting contracts or other independent contractors, persons paid by a temporary employment service, or participants in governmental programs unless those participants are also on WST's payroll.

5.3.14.2 WORKFORCE SOLUTIONS TEXOMA (WST)

For purposes of these policies, "WST" means the Workforce Solutions Texoma created under Texas H.B. 1863 as a local Board for workforce development consolidation efforts in the State of Texas.

5.3.14.3 GOVERNING BODY

For the purposes of these policies, "Governing Body" means the policy body of WST which meets the requirements of Texas H.B. 1863.

5.3.14.4 DIRECTOR

For the purposes of these policies, "Director" means the Executive Director of WST.

5.4 EMPLOYEE RESPONSIBILITIES

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

5.4.1 PROFESSIONAL APPEARANCE

Employees of WST are hired to provide services to its citizens and to perform specific tasks in a professional manner. As representatives of WST, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal appearance to the public. Fridays are designated as "business casual" dress days. WST denim shirts are considered business casual. Business casual does not include T-shirts with any kind of message or image on them, sweatshirts, shorts, leggings, athletic sportswear, sundresses, any revealing clothing, or beach sandals. The following guidelines are the official dress code for Workforce Solutions Texoma Administrative Offices.

1) Male employees: Jacket and tie should be available, if needed for meetings, at the office if not actually worn every day. Shirts with collars are required. Banded collars or dress shirts are acceptable. Ties are preferred but not required.

2) No tank tops, sleeveless tops, or low cut tops are allowed. No see-through clothes.

3) No sweatshirts or sweatpants are allowed.

4) Hose are required for everyone (interpreted socks for males) year round.

5) Jeans (blue or any other color) are not allowed.

6) Leggings, including any form fitting knit slacks or stirrup pants are not acceptable. No Capri pants, knickers, pedal-pushers, or leather pants are allowed. No "clingy" clothes are allowed.

7) Shorts are not allowed.

8) Skirts/dresses must be professional length. Classic lengths (2" above the knee or any below knee length) are best suited for the office. (No mini-skirts) Side-skirt slits must be no more than six inches above the knee when sitting. No front slit skirts.

9) Tee-shirts, even those that are printed or painted, are not for office wear.

10) Open-back shoes are not acceptable. All shoes, even sandals must have a back strap. No flip-flops, athletic shoes, crocs or mules. Exceptions may be made with a doctor's statement.

11) Nametags will be provided and are to be worn at Board meetings and business functions outside the office.

12) Casual Friday. Workforce Solutions Texoma shirts may be worn on Fridays. Pants and shirts must be pressed and shirts must be tucked in. Shirt lengths may be altered with a tailored hem and then worn outside. Shirts are never to be worn as jackets.

13) Perfume, cologne and aftershave should be used sparingly in consideration for co-workers and customers who may have allergies to such products.

14) Women may wear no more than 2 earrings during work hours. Visible body piercings, other than earrings must be covered during work hours.

15) Males are prohibited from wearing earrings at work.

16) Tattoos must be covered when involved in Workforce Solutions Texoma activities.

17) Employees must present a professional appearance, therefore extreme hairstyles/hair colors are not permitted.

Discipline for violation of the dress code will come from the Executive Director. The process will include:

Step 1: Verbal Warning and employee will take annual leave to go home to dress appropriately.

Step 2: Written Warning and employee will take annual leave to go home to dress appropriately.

Step 3: Second Written Warning will result in further disciplinary action up to and including termination.

Temps are expected to comply with the official dress code. Those who do not comply will be sent home without pay and the temp agency will be notified.

A copy of the dress code is required to be signed by all staff members during orientation and placed in employee's personnel file.

5.4.2 TIMELINESS AND ATTENDANCE

5.4.2.1 PUNCTUALITY

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

5.4.2.2 REPORTS OF TARDINESS / ABSENCE

An employee who expects to be late for or absent from work must report the expected tardiness or absence to his/her department not later than 60 minutes after the time the employee is scheduled to begin work, unless emergency conditions exist. (It is preferable, and may be required in some cases, for an employee who will be late or absent to contact his/her department or department head at least one hour prior to the employee's scheduled time to begin work unless emergency conditions exist.) See also Section 10 of these policies concerning Leave Time for matters involving planned absences.

5.4.2.3 FAILURE TO REPORT TARDINESS / ABSENCE

Failure to report within the required period can be considered justification for disallowing paid sick leave for an absence. Unless otherwise approved by the Director, employees are expected to call on each day of absence. Where the nature of the absence necessitates an extended period of time off, the Director may approve longer reporting intervals. Frequent tardiness or unauthorized absence is not permissible and is grounds for disciplinary action up to and including termination.

5.4.3 OUTSIDE ACTIVITIES

Employees may not engage in any outside employment, activity, or enterprise determined by the Director to:

1) Be inconsistent or incompatible with employment with WST.

2) Affect the employee's job performance adversely.

No funds or other things of value may be solicited from or by WST employees on the job without the express approval of the Director.

5.4.3.1 OBTAINING PERMISSION FOR OUTSIDE ACTIVITIES

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

5.4.3.2 INJURIES DURING OUTSIDE ACTIVITIES

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

5.4.4 GIFTS AND GRATUITIES

A WST employee may not accept any gift (including a free service) that might tend to influence his/her official actions or impair his/her independence of judgment in performance of duties for WST. See Section 5.4.5.

5.4.5 CONFLICT OF INTEREST

No employee or officer of WST will have financial interests in the profits of any contract, service, or other work performed for WST nor derive personal profit directly or indirectly from any contract, purchase, sale, or service between WST and any person or company.

5.4.5.1 DEFINITIONS

The following definitions apply:

1. Immediate Family: Any person related within the first degree of affinity (marriage) or consanguinity (blood) to the person involved.
2. Substantial interest: A person has substantial interest:
   a) In a business if:
      (1) The person owns 10 percent or more of the stock, shares, fair market value, or other interest in the business entity, or owns $5,000 or more of the fair market value of a business; or
      (2) Funds received by the person from the business exceed 10 percent of the person's gross income for the previous year; or
      (3) The person is a compensated member of the board of directors or other governing board of the business entity, or serves as an elected officer of the business entity;
   b) In real property used for the business if the interest is an equitable or legal ownership with a fair market value of $2,500 or more; or
   c) If the Board member is related to a person in the first degree of affinity or consanguinity who has a substantial interest as defined in subparagraph (a) or (b) of this paragraph.

5.4.5.2 DISCLOSURE OF INTEREST

A Board member or employee shall avoid even the appearance of a conflict of interest. Prior to taking office, Board members must provide to

the Board Chair a written declaration of all substantial business interests or relationships they, or their immediate families, have with all businesses or organizations that have received, currently receive, or are likely to receive contracts or funding from the Board. Such declarations shall be updated within 30 days to reflect any changes in such business interests or relationships.

Prior to a discussion, vote or decision on any matter before a Board, if a member, or a person in the immediate family of such, has a substantial interest in or relationship to a business entity or organization of property that would be pecuniarily affected by any official Board action, that member shall disclose the nature and extent of the interest or relationship and shall abstain from voting on or in any other way participating in the decision on the matter. All such abstentions shall be recorded in the minutes of the Board meeting.

5.4.5.3 AVOIDING THE APPEARANCE OF A CONFLICT OF INTEREST

A board member must neither cast a vote on nor participate in any decision-making capacity on the provision of services by the member or any organization that the member represents.

A Board member must not participate in any decision-making capacity on any matter that would provide any direct financial benefit to that member or a member of his immediate family.

A Board member must not participate in any discussions, including discussions with other Board members or Board staff, or in any other way attempt to use his position on the Board to influence a decision on a matter in which there is a real or apparent conflict of interest. A Board member must not directly or indirectly influence, encourage or lobby any person, including any other Board member or Board staff, regarding any matter in which the member, his immediate family, or the organization, which he represents, has a substantial interest or from which the member would receive financial benefit. A Board member must not participate in any procurement activities including the development of requests for proposals for any matter in which the member, his immediate family, or the organization he represents, has a substantial interest or from which would receive financial benefit.

5.4.5.4 SANCTIONS

A Board member who violates this policy may be removed from the Board. Employees who violate this policy shall receive disciplinary action up to and including termination.

5.4.5.5 FINANCIAL GAIN

An officer or employee may not:

1) Solicit or accept or agree to accept a financial benefit, other than from WST, that might reasonably tend to influence his/her performance of duties for WST or that he/she knows or should know is offered with intent to influence the employee's performance

2) Accept employment or compensation that might reasonably induce him/her to disclose confidential information acquired in the performance of official duties

3) Accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for WST

4) Make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for WST

5) Solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a WST employee in favor of that person.

5.4.5.5.1 CONTRACTS

Specifically, with reference to contracts, no officer or employee of WST who exercises any functions or responsibilities in the review or approval of an undertaking or the carrying out of one of WST's contracts shall participate in any decision relating to that contract if the decision affects his/her personal pecuniary interest.

5.4.5.5.2 POST-EMPLOYMENT RESTRICTIONS

In order to comply with TWC Rule 801.55, and to avoid a conflict of interest, the following will be followed:

1) In order to avoid a conflict of interest, workforce service contractors shall not employ or otherwise compensate a former WST employee who:

   (1) was in a Board decision-making position and had final decision-making authority or final recommendation authority on matters that directly affect workforce service contractors, including positions serving the function of WST executive director, chief financial officer, lead contract manager, business services manager or lead contract monitor; and

   (2) was employed or compensated by WST anytime during the previous 12 months.

2) Exceptions. Where there is no actual conflict of interest, but there is an appearance of such a conflict, the Board, in an open meeting, may provide for an exception to the 12-month period by a vote of two-thirds of the membership present. In making such a determination, the Board shall assess all relevant factors, including but not limited to, whether there is a critical need for the skills involved, the relative cost and availability of alternatives, and the need to protect the integrity and stability of the Texas workforce system. In such an instance, the Board shall impose whatever terms and conditions it deems necessary to mitigate the appearance of a conflict of interest.

3) Corrective Actions. Contracts with workforce service contractors will require compliance with this section and provide enforcement mechanisms allowing WST to impose corrective actions, up to and including contract termination for violation of this section.

4) Particular Matter. Workforce service contractors shall not employ or otherwise compensate a former WST employee to work on a particular matter that the employee worked on for WST including any specific investigation, application, request for a ruling or determination, rule-making proceeding, administrative proceeding, contract, claim, or judicial proceeding. Nothing in this section shall prohibit WST's workforce service contractor from employing or otherwise compensating a former employee of the Board who worked on a particular matter for the WST as long as the former WST employee never works on that same particular matter once employed or otherwise compensated by the Board's workforce service contractor.

5.4.5.6 CODE OF ETHICAL CONDUCT

A Code of Ethical Conduct, which applies to WST officers and employees, is an attachment to these policies as Appendix A. WST officers and employees must comply with the Code of Ethical Conduct.

5.4.6 POLITICAL ACTIVITY

An employee's political activity which is not in violation of Section 5.4.6, in its entirety, shall not be considered in determining his/her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee.

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

5.4.6.1 VOTING

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

5.4.6.2 EMPLOYEE POLITICAL ACTIVITY RESTRICTIONS

An employee, in his/her official capacity, may not:

1) Use his/her official authority or influence to interfere with or affect the result of an election or nomination for office

2) Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose

3) Use funds provided by the State of Texas to influence the passage or defeat of any legislative measure in the Texas Legislature on the outcome of any election.

4) Use funds provided under the Workforce Investment Act contract in any way to attempt to influence in any manner a member of Congress to favor or oppose any legislation or appropriation by Congress, or for lobbying with state or local legislators.

5.4.6.3 FEDERAL HATCH ACT RESTRICTIONS

In addition, any WST employee who is subject to the provisions of the federal Hatch Act may not be a candidate for elective office in a partisan election. (A partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected.) WST employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity that is financed in whole or in part by loans or grants made by the federal government.

5.4.6.4 RUNNING FOR OFFICE

An employee who runs for election to an elected office is encouraged, but not required, to take a leave of absence beginning upon filing for elected office and ending upon qualifying for and taking office. The employee may not campaign during WST work hours or use WST equipment and/or supplies for the purpose of the campaign.

5.4.7 COMMUNICATIONS

5.4.7.1 WORK INSTRUCTIONS

A WST employee may be given work instructions from persons other than his/her immediate supervisor or the Director. In such cases, it is the requestor's responsibility to notify the employee's immediate supervisor about the instruction, its purpose, and the relevant facts of the situation.

5.4.7.2 SUBMITTING MATTERS TO WST

Matters that involve WST policy, operations, and organization are brought before WST's Board by the Director or by a person designated to do so by the Director. An employee may request that a matter be considered by WST's Board by submitting the item in writing to his/her supervisor.

5.4.7.3 NEWS MEDIA COMMUNICATION

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

5.4.8 CHAIN OF COMMAND

Individual WST employees are responsible to the Director or to a supervisor designated by the Director. The Director is responsible to the Board as a whole. Directions regarding work to be done, expected results, the adequacy of work performance, and grievances will follow the chain of command.

5.4.9 TELEPHONE USE

Telephones are to be used for WST business. It is understood that occasionally personal calls are necessary; however, use of telephones for local personal calls is permitted only if the number and length of calls are kept to a minimum. All telephone charges associated with personal calls are the responsibility of the employee. Charges to WST, "800," or "900" numbers for personal calls are prohibited and may result in disciplinary action, including termination.

5.4.10 SECTARIAN ACTIVITY

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

5.5 EMPLOYMENT PRACTICES

5.5.1 RESPONSIBLE AGENT FOR APPOINTMENT

The Director is the chief executive officer and is responsible for the selection and length of service of all employees of WST within the limits of these policies and the overall comprehensive budget. Other supervisors may be asked for

recommendations as appropriate. All selection decisions will include a review by the Director of the policies and procedures followed in the search and selection.

5.5.2 METHODS OF RECRUITMENT AND SELECTION

WST has four methods of filling permanent employment vacancies:

1) Promotion from within
2) Lateral transfer from within
3) Temporary to permanent
4) Public announcement.

Consideration of external and internal applications can include qualified applicants for similar positions open at WST within the preceding 60 days of the new announcement. The Director determines the method to be used in filling each vacancy.

5.5.3 PUBLIC ANNOUNCEMENT

Public announcements of position openings at WST for which there will be competitive consideration are disseminated by the Director in the manner most appropriate for the particular position being filled.

5.5.4 QUALIFICATIONS

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

5.5.5 SELECTION

Vacancies on WST staff are filled, by promotion, by transfer, or by initial appointment, on the basis of merit. Selections are made only on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform the specific job.

5.5.6 AGE REQUIREMENTS

5.5.6.1 AGE 16 AND UNDER

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

5.5.6.2 HAZARDOUS OCCUPATIONS

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

5.5.6.3 OTHER AGE LIMITATIONS

Other age limitations will be applied only as required by specific state or federal law applicable to WST. Positions paid for by funds received under

the U.S. Older Americans Act are subject to the federal requirement that consideration be given to older workers.

5.5.7 APPLICATION FOR EMPLOYMENT

5.5.7.1 OBTAINING AN APPLICATION

When a specific vacancy exists, each person desiring employment with WST may obtain an application for employment from the person designated in the job announcement or from the Administrative Assistant to the Director and the completed application should be returned to that same person.

5.5.7.2 SUBMISSION OF APPLICATION

Each applicant for employment is required to submit an application and other pertinent information regarding training and experience. The Director, or his/her designee, shall make appropriate inquiries to verify the match between the applicant's background and the position requirements.

5.5.7.3 BACKGROUND CHECKS

It is the responsibility of the Director or his/her designee to make appropriate checks to verify education, experience, character, and required certificates and skills of an applicant prior to appointment. In the case of applicants for positions that require driving, the Director or designee may check the prospective employee's driving record prior to offering the applicant employment with WST. Criminal background checks will be completed for all employees in positions with fiscal responsibilities. Discovery of prior criminal history may be grounds for withdrawal of the offer of employment or termination of employment.

5.5.8 CONSIDERATION OF CURRENT EMPLOYEES AND MEMBERS OF THE BOARD

Employees of WST will be notified by the Director of internal vacancies in the organization for which competitive internal applications will be accepted, and employees will be permitted to apply for any position for which they consider themselves qualified. Interest of current employees for an opening with WST should be indicated in writing by use of an up-dated application package and a letter of application (the Director will supply the correct forms) submitted to the person indicated in the announcement of the job opening.

Members of the WST's Board will be eligible for employment with WST in any position only after such individual has been off the Board for one year.

WST Employees who have terminated employment with the board will be eligible to submit a proposal for contracting with the board one year from the final date of employment termination. However, board employees may perform contract work for the board until their position is replaced if such a contract is in the best interest of the board. Under special circumstances, current board employees

may be eligible to perform contract work for the board outside of normal work hours if the work is not within the scope of normal job duties.

5.5.9 EMPLOYMENT OF RELATIVES (NEPOTISM)

The practice of nepotism in hiring personnel is forbidden by WST. In the interest of effective management, no personnel action will be taken that would result in any employee's supervising another employee who is related within the second degree of marriage (affinity) or the third degree of blood relationship (consanguinity) to the supervisory employee.

5.5.9.1 DEFINITION AND RESTRICTIONS CONCERNING NEPOTISM

Nepotism is the showing of favoritism toward a relative. No person may be hired who is related within the second degree by marriage (affinity) or within the third degree by blood relationship (consanguinity) to any member of the Board, to the Director, or to a current employee of WST.

Two persons are related by affinity if they are married to each other or the spouse of one of the persons is related by consanguinity to the other person. Termination of the marriage by divorce or death terminates the relationship unless a child of the marriage is living, in which case the relationship is considered to exist as long as that child lives.

Two persons are related by consanguinity if one is a descendent of the other or if they share a common ancestor. An adopted child is treated as a natural child of the adoptive parent. The number of generations that separate the relatives determines the degree of the relationship. A parent and a child are related in the first degree; a grandparent and grandchild are related in the second degree.

No person may continue in WST's employment that is related to the Director, a member of the Board or a current employee of WST in one of the prohibited degrees unless the person has been employed continuously by WST for a period of at least one year when the Director or Board member is appointed.

5.5.9.2 NEPOTISM CHARTS

Prohibited degrees of relationship for Nepotism follow:

NEPOTISM CHARTS

CHART 1 AFFINITY (Marriage) KINSHIP CHART

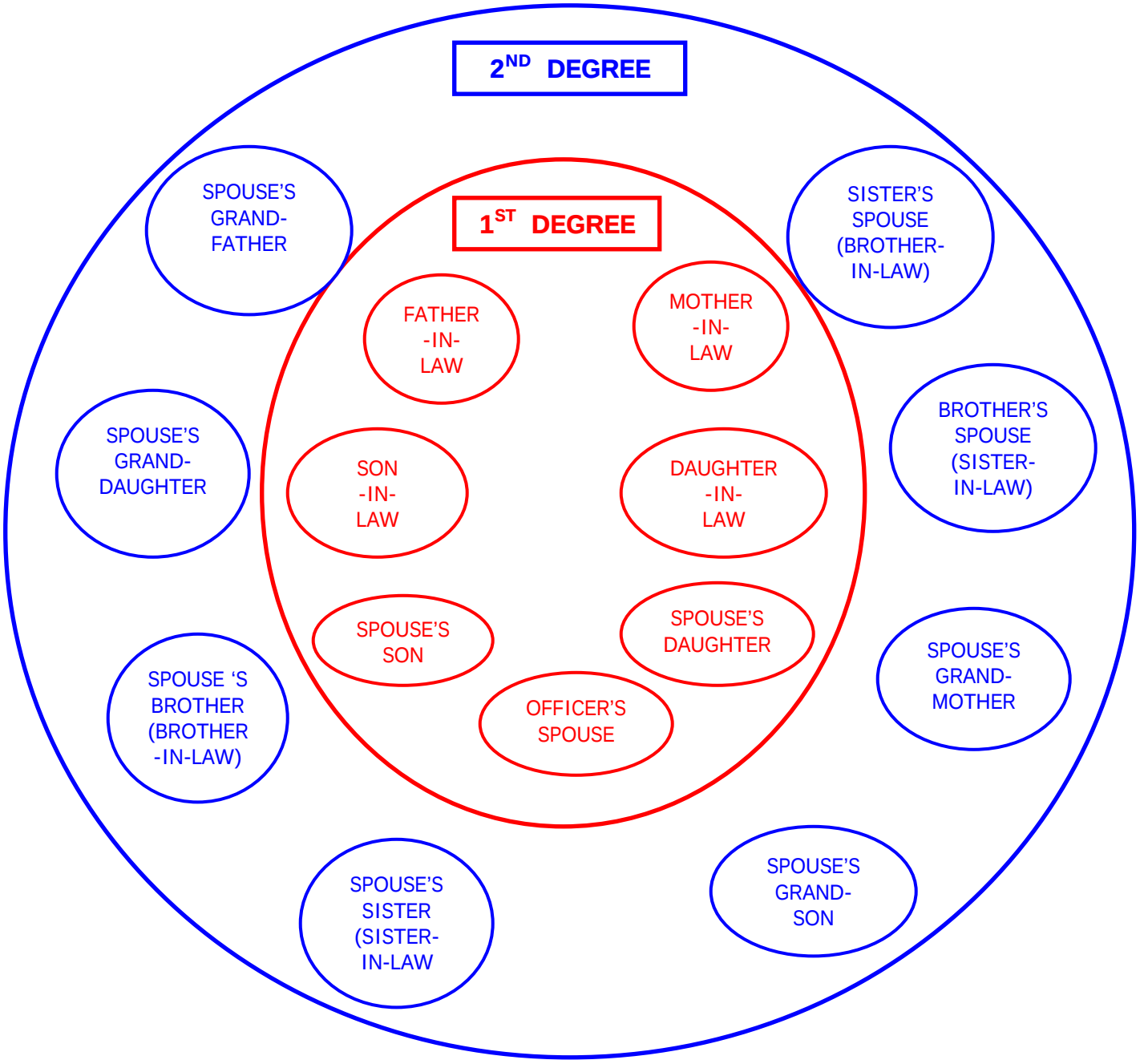
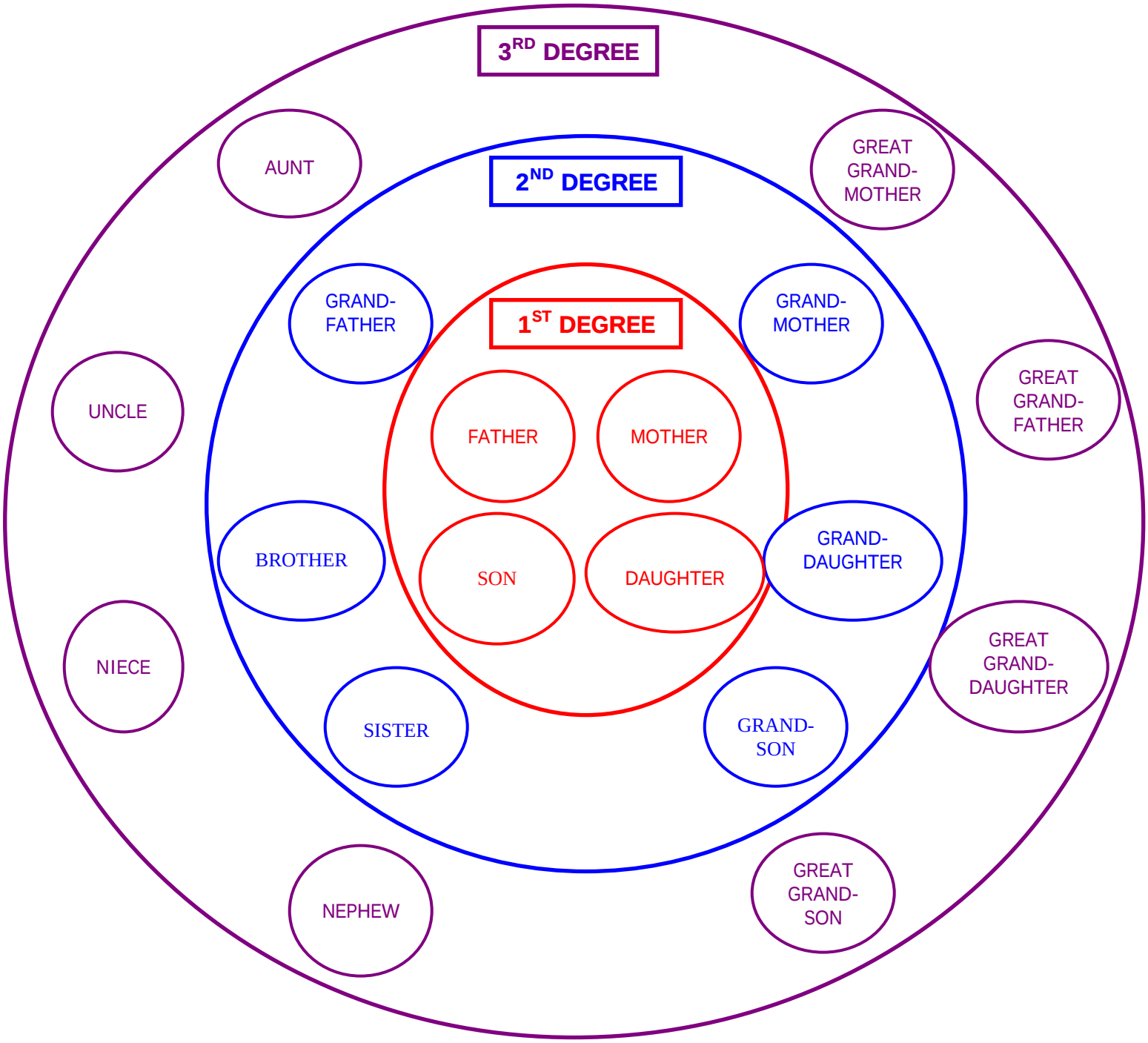


CHART 2 CONSANGUINITY (Blood) KINSHIP CHART



5.5.10 INTERVIEWING AND HIRING PROCEDURES

Depending upon the process recommended and approved, a variety of combinations of interviewing and hiring steps will be utilized. Generally, the following steps will be followed:

1) Job openings will be posted in house for a minimum of three days and may be posted outside the agency through advertisement at the same time.

2) Written job descriptions are maintained in the hiring process file and the employee's personnel record. These descriptions list the minimum qualifications for that particular job. Whenever possible, these qualifications include education, experience, skills, and competencies required in as many combinations as practicable. Bona Fide Occupational Qualifications (BFOQ) are a part of the preparation of job descriptions. Lists of duties for a position are included in as much detail as is reasonable and necessary.

3) All applications submitted for any job opening are maintained in the hiring process file for that job. In order to comply with the Age Discrimination in Employment Act of 1967, the Admin Assistant maintains all applicant file information for a period not less than two years after the position has been filled.

4) If an adequate pool of applicants is not developed from this posting, newspaper ads will be placed in, at a minimum, the three largest regional newspapers. Other papers may be used as deemed necessary to develop an adequate pool of applicants. This announcement will include a general description of the position, the closing date for accepting applications, and contact information (the organization, contact person, address, and telephone number.)

5) After the closing of the application acceptance period, appropriate staff will review all applications, and a determination made as to whether the applicant meets the minimum qualifications for the position and if that person will be interviewed. The Written Review instrument will be completed and attached to all applications.

6) Interviews will be scheduled for selected applicants.

7) Applicants will be interviewed using a prepared list of questions (which is used with all applicants). Responses to questions will be recorded on the question form.

8) Following the interview, a written evaluation is made of the candidate and a decision made as to whether this applicant

will be selected for further consideration or hire, and, in most cases, scheduled for a second interview. The second interview may be conducted by two or more staff members.

9) The same procedure described in step 7 is used for the second interview.

10) All staff involved in the interview process will complete written numerical evaluation sheets and reach a consensus on the individual to be hired. In all cases, the Executive Director has final authority on hiring decisions.

11) Prior to any job offer, references listed and those former employers indicated on the application (with the written consent of the applicant) will be contacted for information concerning the applicant's work skills. The results of these contacts will be taken into consideration for each applicant checked as to whether a job offer will be made. In the case of hiring for sensitive positions, the WST may perform a background and criminal check, prior to making an offer of employment.

12) The position being filled will be classified using the State system for job classification to ensure that the salary offered is within the parameters described therein.

13) If the first choice candidate does not accept the WST offer, evaluations of second and subsequent choices will be reviewed and a determination made as to whom the job offer will next be made.

14) On the first day of employment the new employee will be given a new employee orientation during which all policies, procedures, enrollment forms, acknowledgments and certifications necessary to be in compliance with all Federal, State, TWC and WST requirements. Required information and documentation covered during the orientation is contained in Section 5.5.16.1.

15) The Administrative Assistant completes a Personnel Action form to record the new employee's information. Also affixed to the inside cover of the employee's personnel file is the Employment Record.

16) The Executive Director maintains all personnel files and is responsible for ensuring security of personnel records.

17) If a position will be classified as Temp to Perm, steps 1-7 and 11 of the hiring process may be conducted by an

employment agency. All other steps will be conducted by WST.

5.5.10.1 COLLECTION OF STATISTICAL DATA

For the purpose of verifying WST's compliance with the nondiscrimination and equal opportunity provisions of the Workforce Investment Act, statistical data including race/ethnicity, sex, age, and where known, disability status will be voluntarily and confidentially collected for every employee & applicant for employment. Such information is not to be attached to the employment application or any other document which might disclose the identity of the individual and will be used only for the purposes of recordkeeping and reporting, determining the extent to which WST is operating in a nondiscriminatory manner, or other use authorized by law.

5.5.11 TESTING

5.5.11.1 EMPLOYMENT OR PROMOTION TESTING

Tests administered for employment or promotion normally will be specifically job-related ("piece-of-the-job") tests (e.g., operating equipment, word processing, operating a computer, lifting something heavy required in the job, tabulating columns of numbers, or writing samples). WST conducts pre-employment qualification assessment testing for certain job positions. The tests vary based on the qualifications for the particular position. Reasonable accommodations will be made to applicants with a disability, if a request for such accommodation is made in advance of a test.

5.5.11.2 SUBSTANCE ABUSE TESTING

Substance Abuse Testing may be required when reasonable suspicion exists that an employee is using or abusing illegal drugs or alcohol. A Substance Abuse Policy Acknowledgment is required to be signed by all staff members.

5.5.12 PHYSICAL STANDARDS

5.5.12.1 PHYSICAL EXAMINATIONS

Some applicants may be required to undergo a medical examination after a conditional offer of employment has been extended. This requirement is at the discretion of the Director and will take into consideration the physical requirements of a particular job description.

5.5.12.2 EMPLOYEE DISABILITY-RELATED AND MEDICAL RECORDS

Medical records relating to the medical condition, medical testing, or drug testing of an employee or a prospective employee are maintained in a

secure, locked location separate from other employee personnel files. These files are to be treated as confidential medical records. Only the Director, the personnel officer, or the individual employee have access to employee medical records. Contents of such records may only be disclosed for the following reasons:

1) Supervisors may be informed regarding restrictions on the work or duties of qualified staff with disabilities and regarding necessary accommodations.

2) First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment.

3) Government officials investigating compliance with applicable law will be provided information upon request.

5.5.13 VERIFICATION OF ELIGIBILITY TO WORK

In order to comply with the Immigration Reform and Control Act of 1986, each new employee is required to complete and sign a USCIS Form I-9 within three days of his/her first day of employment to provide proof of his/her identity and employment eligibility. Failure to provide proof of eligibility to work in the United States in a timely manner will be grounds for immediate termination. Continued eligibility may be verified after expiration of employee's temporary eligibility.

5.5.14 DRIVING RECORD

Every WST employee who is required to drive a vehicle on WST business must maintain a legal driver's license. For this reason, WST will check a prospective employee's driver's license prior to offering the applicant employment in a capacity that requires operating a vehicle, and may recheck an employee's driver's license as needed after employment in such a capacity. In addition, employees are required to provide current proof of insurance to Board Fiscal Officer or Director.

5.5.15 DISQUALIFICATION

An applicant is disqualified from employment by WST if he/she:

1) Does not meet the minimum qualifications for performance of the duties of the position involved

2) Knowingly has made a false statement on the application form

3) Has committed fraud during the selection process

4) Is not legally permitted to hold the position

5) Has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process

6) Is not able to perform the essential functions of the position, with or without reasonable accommodation

7) Has failed to produce within three days of employment original legal document(s) that establish identity and employment eligibility.

5.5.16 ORIENTATION AND TRAINING

5.5.16.1 EMPLOYEE ORIENTATION

Before an individual begins performing his/her actual duties, he/she will be given a brief orientation. The purpose of the session is to enable a new employee to understand his/her job better and to understand the relationship of the job to the overall operation of WST. During the orientation, employees are given a copy of the Personnel Policies for the Workforce Solutions Texoma, must read it within two weeks, and sign a statement that they have read and understood the policies. Other documentation employees are provided and/or required to sign at orientation includes:

1) Nepotism certification

2) Code of Ethical Conduct

4) Credit Card Use Guidelines, if applicable

5) Cell Phone Use Guidelines, if applicable

6) Computer Use Guidelines

7) Dress Code

8) Election to Disclose or Keep Confidential Home Address and Home Telephone Number

9) W-4

10) I-9

11) Direct Deposit Authorization

12) Employee Orientation Checklist

5.5.16.2 EMPLOYEE TRAINING

In-House training of an employee is the responsibility of the supervisor for whom the employee works. Whenever possible, employees receive on-the-job training under close supervision. In addition, whenever possible, employees will be offered training opportunities at local, state, and regional training conferences on topics that are applicable to work-related subjects.

5.5.17 DOCUMENTATION

The responsible officials shall document all selection decisions. The Director may prescribe documentation procedures, keep central records and require information from selecting officials as necessary for equal employment opportunity analysis and reporting purposes, and for general administrative purposes.

5.5.17.1 RECORD RETENTION

In order to comply with all applicable rules and regulations, hiring and employment related documents shall be retained as follows:

1) Job Advertisements and Postings - Pursuant to the Americans with Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA), and Fair Labor Standards Act (FLSA), job advertisements and internal postings will be retained for a minimum of one year.

2) Resumes and Applications - The ADA, Rehabilitation Act, Title VII of the Civil Rights Act, and ADEA require employers to keep all resumes and job applications on file for one year. The ADEA further stipulates a two-year retention period for paperwork for individuals over the age of 40.

3) Employment Action Records - Records relating to promotions, demotions, transfers, and terminations must be retained for one year according to the ADA, ADEA, and Title VII.

4) Training Records - In general, training records should be kept on file for one year. Those related to safety and health must be retained for three years in accordance with the Occupational Safety and Health Act (OSHA).

5) Wage and Hour Records - The FLSA and Equal Pay Act require keeping basic employment and earnings records for two years and payroll records for three years.

6) Tax Records - Information relating to income tax withholdings must be retained for four years according to the Federal Insurance Contribution Act (FICA) and Federal Unemployment Tax Act (FUTA).

7) Retirement and Pension Records - The Employee Retirement Income Security Act (ERISA) mandates that employee benefit plan information, including summary plan descriptions (SPDs) and annual reports, be kept on file for six years.

8) Leave Records - Information relating to leaves of absence under the Family Medical Leave Act (FMLA), such as time off and medical certification, must be retained for three years.

9) I-9 Forms - Under the Immigration Reform and Control Act of 1986 (IRCA), I-9 forms must be retained for three years after employment begins or one year following termination (whichever is later).

10) Job-Related Illness and Injury Records - OSHA requires that information pertaining to job-related illness and injury be kept on file for five years. In cases of exposure to toxic substances or blood-borne pathogens, medical exam results must be retained for 30 years after the employee's termination.

5.5.18 EMPLOYMENT REFERENCES

WST will furnish a written employment reference for a current or former employee only in response to a written request for the reference received from an individual or organization with an apparently legitimate need for the reference. The reference will furnish the following information only:

1) dates of employment
2) employee's beginning and ending salary
3) employee's beginning and ending job title.

The Director will designate an employee to furnish references, and only that employee may do so.

5.5.19 NEW HIRE REPORTING

In compliance with Federal and State law, WST, will provide, within 20 days of the effective hire date, information about all new or rehired workers to the Employer New Hire Reporting Operations Center in the Texas Office of the Attorney General.

5.6 TYPES OF EMPLOYMENT

5.6.1 AT WILL

Employees of WST serve at will and, as such and within the provisions of state and federal law regarding public employment, can be dismissed at any time, with or without notice, for any reason or no reason.

5.6.2 CATEGORIES OF EMPLOYMENT

5.6.2.1 REGULAR FULL-TIME

A regular full-time employee is appointed to an authorized position that involves, on the average, 40 work hours per week and that is expected to last at least six months. Regular full-time employees are paid on a salary basis.

5.6.2.2 REGULAR PART-TIME

A regular part-time employee is appointed to an authorized position that involves, on the average, fewer than 40 work hours per week. Part-time employees are paid a pro-rata salary based on a 2080-hour year.

5.6.2.3 TEMPORARY FULL-TIME

A temporary full-time employee is an employee hired to work an average of 40 hours per week for a period expected to last fewer than six months. Temporary full-time employees are paid on a salary basis.

5.6.2.4 TEMPORARY PART-TIME

A temporary part-time employee is an employee hired to work an average of fewer than 40 hours per week for a period expected to last fewer than six months. Temporary part-time employees are paid a pro-rata salary based on a 2080-hour year.

See Section 5.9 of these policies for details of benefits available to each category of employees.

5.6.3 EMPLOYMENT CONDITIONS

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

5.6.4 EMERGENCY EMPLOYMENT

Whenever an emergency exists which requires the services of personnel who are not otherwise available, such personnel may be immediately appointed for a period not to exceed 30 working days without regard to normal recruitment and selection requirements. Emergency temporary appointments shall not be renewable.

5.6.5 JOB SHARING

When determined by the Department Head and approved by the Director to be in the best interest of WST, job sharing shall be considered an employment option. Such consideration shall be based upon the most efficient and effective method to serve the purposes of the Department and WST. Specifics pertaining to the job share option shall be determined on a case-by-case basis. In no case shall the combined hours of a job-shared position exceed the total hours approved in the annual WST budget for the original position.

5.6.7 ASSIGNED STAFF

Staff who are assigned to WST but are paid directly by another government or private organization are not employees of WST. These employees' benefits are specified in the contract for services. As a condition of their assignment, such

staff are governed by all terms of these policies not in conflict with their contract for services.

5.7 EMPLOYEE COMPENSATION AND ADVANCEMENT

5.7.1 PAY

Pay for WST employees is set each year by the Board's Executive Committee and approved by the full board in the adopted operational budget. Rules governing pay increases also are established by the Board Executive Committee in accordance with TWC rules.

5.7.2 PAYDAYS

The pay period for WST is semimonthly. If the payday falls on a holiday or weekend, checks will be issued in accordance with the published schedule issued by the Finance Officer.

5.7.3 PAYROLL PROCESSING AND PAYMENT PROCEDURES

Payroll processing and payment procedures will be conducted in accordance with WST P&P Chapter 1 - Fiscal Accounting System, Section 1.16 "Payroll Procedures

5.7.4 CHECK DELIVERY

WST CFO will pay all staff and participants only by check or direct deposit.

5.7.4.1 SALARY ADVANCES / LOANS

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

5.7.4.2 SALARY DISCREPANCIES

An employee must bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the Finance Officer.

5.7.5 PAYROLL DEDUCTIONS.

Any payroll deductions must be approved and authorized by the Director. Deductions will be made from each employee's pay for the following:

1) Federal Social Security/Medicare
2) Federal income taxes
3) Court ordered child support
4) Retirement contributions
5) Any other deductions required by law.

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

1) Group health/medical, life, and dental premiums

2) Credit Union

3) Such other deductions as may be authorized by the Director.

5.7.6 PAY RATES

In establishing rates of pay for WST job classifications, consideration shall be given to prevailing rates of pay among public and private employers in the relevant labor markets; the duties, responsibilities and qualifications required of WST employees, and other relevant factors.

In any given year, the Executive Committee may choose to use a base salary and one-time merit increases to compensate staff. Raises or one-time merit increases will be considered for payment prior to the end of the Board's fiscal year. Additionally, performance based one-time merit increases may also be considered at the end of the calendar year.

It is WST's policy to pay equal pay for equal work.

5.7.7 CHANGE IN EMPLOYEE STATUS

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

5.7.8 PROMOTIONS

5.7.8.1 DEFINITION OF PROMOTION

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

5.7.8.2 APPROVALS FOR PROMOTIONS

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

5.7.8.3 APPLICATION FOR PROMOTIONS

Application for promotion shall be made through the use of an updated application and a letter of application.

5.7.9 LATERAL TRANSFERS

Lateral transfers may be made within the same department or among departments, if a vacant position is available and the employee can perform the essential functions of the position, with or without reasonable accommodation.

Application for a lateral transfer shall be made through the use of an updated application and a letter of application.

5.7.10 DEMOTIONS

A demotion is a change in duty assignment of an employee to a lower job title, which may result in a pay reduction. Demotions may be made at the employee's request to occupy a less responsible position, as a reasonable accommodation for an employee with a disability, or as a disciplinary measure because of unsatisfactory performance in a higher position. An employee's request for a demotion should be submitted in writing to the appropriate department head or the Director.

5.7.11 APPROVING AUTHORITY

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

5.8 WORK SCHEDULE AND TIME REPORTING

5.8.1 WORKWEEK AND WORK HOURS

The official work period for all WST employees is a seven-day period beginning at 12:00 a.m. on Saturday and ending at 11:59 p.m. on the following Friday. Normal working hours are Monday through Friday, 8:00 a.m. to 12:00 and 1:00 to 5:00 p.m., with one hour for lunch, a total of 40 hours per workweek. However, normal working hours may be altered by special events such as noon and/or evening meetings, conferences, holidays, etc. Offices may remain open during the noon hour, and lunch periods for some employees may be staggered according to specified requirements.

5.8.1.1 OTHER WORK HOURS

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

5.8.2 EMPLOYEE PUNCTUALITY

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

5.8.3 SCHEDULE ADJUSTMENTS

Adjustments to the normal hours of operation or individual work schedules may be made by the Director in order to serve the public more effectively.

5.8.4 NUMBER OF HOURS WORKED

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

5.8.5 OVERTIME WORKED

The policy of WST is to keep overtime to a minimum. However, employees may be required to provide services in addition to normal hours or on weekends or holidays.

5.8.5.1 DEFINITION OF OVERTIME

Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA): 40 hours per seven-day workweek. Under the FLSA, overtime applies only to employees who are not exempt from the Act's overtime provisions.

5.8.5.2 DESCRIPTION OF OVERTIME

For employees in positions that are covered by the overtime provisions of the FLSA, overtime begins to accrue with the forty-first (41) hour worked during the seven-day workweek. All overtime services by employees covered by the FLSA must be authorized in advance by the employee's supervisor and approved by the Director.

5.8.6 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION)

Program Directors and other executive, administrative, and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this expectation in mind. This overtime may be used as a factor in granting or denying paid leave other than vacation or sick leave.

5.8.7 OVERTIME COMPENSATION

Nonexempt employees are compensated for overtime worked by being given (in order of preference):

1) Equal time off within the same workweek
2) Compensatory time off at one and one-half times the number of hours worked.

WST discourages time and one-half payment for overtime, which may be authorized only if adequate funds are available in the budget. In addition, WST discourages the accumulation of compensatory time off for nonexempt employees at one and one-half times the number of hours worked because of the contingent liability this creates for WST. The preferable method for overtime compensation is to schedule equal time off for the affected employee during the same work period in which the overtime was worked. In any event, compensatory time earned must be used within the following workweek. **The Director must approve any overtime prior to the occurrence.**

5.8.8 HOLIDAYS WORKED

WST's basic policy is that each regular employee receives a specified number of paid holidays per year, as set forth in Section 5.11 of these policies. In most instances, if a regular employee is required to work on a scheduled holiday, he/she will be given an alternate day off, preferably within the same workweek or work period.

5.8.9 TIME REPORTING

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

Time records must be signed by the employee and by the immediate supervisor or Director (or the Director's designee) and must be submitted to the Finance Officer in accordance with the established payroll schedule.

5.8.10 LEAVE OR HOLIDAYS TAKEN AND OVERTIME

If a full time employee who is subject to the overtime provisions of FLSA is required to work extra hours during a workweek in which he or she has used sick leave, vacation leave, or any other type of release time (including holiday time off), the employee will be given either hour-for-hour time off or pay for the extra hours at the employees regular straight time rate of pay for up to 40 hours of work during that work week. For hours above 40 hours during the workweek, the employee will be compensated with compensatory time off.

5.9 BENEFITS

5.9.1 MEDICAL, LIFE, AND DENTAL INSURANCE

Regular full-time employees and regular part-time employees who work at least 30 hours per week are eligible for insurance benefits as prescribed in the applicable insurance program.

5.9.2.1 INSURANCE BOOKLET

After 60 days of employment, each employee who is eligible for insurance coverage is given an insurance booklet containing detailed information about WST's insurance programs. See Sections 5.13.7 and 5.18.7 for information on continued group insurance coverage after certain status changes.

5.9.2 PENSION PLAN

All regular full-time employees are required to participate in the WST Retirement Plan at the rate described in that Plan.

5.9.3 WORKERS' COMPENSATION

The Workers' Compensation Insurance Program covers employees of WST, and WST pays the premium. This coverage provides medical and salary continuation

payments to employees who receive bona fide, on-the-job, work-related injuries. Detailed information about workers' compensation benefits is found in Section 5.13.

5.9.4 SOCIAL SECURITY

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

5.9.5 UNEMPLOYMENT INSURANCE

All employees of WST are covered under the Texas Unemployment Compensation Insurance Program, and WST pays for this benefit. This program provides payments for unemployed workers in certain circumstances.

5.9.6 LEAVE TIME

Regular WST employees are eligible for holidays, annual leave, sick leave, and other types of release time under certain circumstances. Detailed information about leave and other types of release time is found in Sections 5.10 and 5.11.

5.10 LEAVE TIME

5.10.1 DEFINITIONS

5.10.1.1 LEAVE TIME

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

5.10.1.2 HOLIDAYS

Holidays are days designated by the Board during which WST offices are closed on what would otherwise be regular business days.

5.10.1.3 UNAUTHORIZED ABSENCE

An unauthorized absence is one in which the employee is absent from regular duty without approval of the supervisor or Director. Employees are not paid for unauthorized absences and such absences are cause for disciplinary action.

5.10.2 PROCEDURES FOR REQUESTING / APPROVING LEAVE

5.10.2.1 LEAVE REQUEST

WST Staff will follow the following procedures to request leave:

1) The approved leave request form must be completed for all leave requests.

2) The leave request form must be given to the Administrative Assistant.

5.10.2.2 LEAVE APPROVAL

WST Staff will follow the following procedures to approve leave:

1) The Administrative Assistant, who keeps the record of each employee's accumulated leave, verifies that the employee has sufficient leave available to fulfill the request. The Administrative Assistant will sign and verify leave balance sheets generated by the Finance Officer.

2) The Executive Director, or his/her designated agent, must approve all leave requests and sign the request form.

3) No paid leave time shall be advanced.

5.10.3 TYPES AND DEFINITIONS OF LEAVE

5.10.3.1 ANNUAL LEAVE

5.10.3.1.1 ELIGIBILITY FOR ANNUAL LEAVE

All regular full-time employees are eligible to accrue paid annual leave. Regular part-time employees who work at least 20 hours per week earn annual leave in the proportion the employee's work time bears to a 40-hour workweek. Temporary employees (full-time or part-time) do not earn annual leave.

5.10.3.1.2 PARAMETERS OF ANNUAL LEAVE

WST employees are encouraged to take regular vacations at least annually.

Regular full-time employees earn annual leave as follows:

TENURE	LEAVE EARNINGS	DAYS PER YEAR
Year 1 thru 3	**8 hrs / month**	**12**
Year 4 thru 7	**9 hrs / month**	**13.5**
Year 8 thru 10	**10 hrs / month**	**15**
Year 11 thru 13	**13 hrs / month**	**19.5**
Year 14 thru 20	**15 hrs / month**	**22.5**
Year 21 thru 25	**17 hrs / month**	**25.5**
Year 26 thru 30	**19 hrs / month**	**28.5**

Year 30 or more	**21 hrs / month**	**31.5**

5.10.3.1.3 ACCUMULATION OF ANNUAL LEAVE

Employees are encouraged to use their accrued annual leave each year as it is earned. Up to 120 hours of unused annual leave can be carried over to the next calendar year. Pay in lieu of annual leave is not permitted other than upon separation. Employees being laterally transferred, promoted or demoted shall retain accrued annual leave. Annual leave is credited to an employee account on the last day of each pay period.

5.10.3.1.4 PAYMENT FOR UNUSED ANNUAL LEAVE UPON SEPARATION

When an employee leaves the service of WST, he/she will be paid for accrued but unused annual leave. This pay will be based on the last full pay period. No prorated leave will be accumulated beyond the end of the last full pay period. The rate of pay will be determined by the salary rate in effect at the time of termination.

5.10.3.1.5 SCHEDULING AND USE OF ANNUAL LEAVE

Employees are encouraged to schedule vacations and request leave well in advance, and vacation schedules must accommodate WST's work schedule. Provided departmental workloads will permit, employees should be allowed to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a "first come, first served" basis. If two requests are received at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with their seniority. If the desired leave schedules conflict with WST requirements, WST's requirements are given first consideration. An employee must take earned annual leave in full hour increments. Employees with fiscal responsibilities must take a minimum of 5 consecutive vacation days per year, including the Executive Director, Chief Financial Officer, Accountant and Administrative Assistant. Employees are required to request annual leave at least **three days** in advance.

5.10.3.1.6 ANNUAL LEAVE TRANSFER BETWEEN EMPLOYEES

Annual leave may be transferred to the leave pool.

5.10.3.2 COMPENSATORY LEAVE

See Section 5.8 of these policies, specifically Section 5.8.7 for information about earning compensatory time and using compensatory leave credits.

5.10.3.3 SICK LEAVE

5.10.3.3.1 REASONS FOR USE OF SICK LEAVE

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

1) Personal illness or physical or mental incapacity.

2) Medical, dental, or optical examinations or treatments.

3) Medical quarantine resulting from exposure to a contagious disease.

4) Illness or injury of a member of the employee's immediate family who requires the employee's personal care and attention.

5) Death of a member of the employee's immediate family, including time for attendance of the funeral of such a family member.

For purposes of sick leave, "immediate family" includes any person related within the first degree of affinity, or the second degree of consanguinity, or any relative living in the employee's household.

Sick leave may **not** be used in lieu of annual leave for personal reasons. Employees who have paid employment with a company or organization other than Workforce Solutions Texoma may **not** use sick leave while working the other job.

5.10.3.3.2 ACCRUAL OF SICK LEAVE

Regular full-time employees earn four (4) hours of paid sick leave per pay period (or the proportional amount for regular part-time employees who work at least 20 hours per week). Sick leave is credited to an employee's account on the last day of each pay period. Accrued sick leave may be carried over on a calendar year-to-year with no limit.

5.10.3.3.3 USE OF SICK LEAVE

Sick leave must be taken in full hour increments.

5.10.3.3.4 NOTIFICATION REQUIREMENTS

Approval of sick leave for non-emergency medical, dental, or optical appointments should be secured at least three (3) days in advance. The actual leave request form should be submitted upon return from such appointments. In all other instances of use of sick leave, the employee must notify the Executive Director not more than 60 minutes after the beginning of the scheduled work

time on the first day of absence, unless emergency conditions exist. Some departments may require earlier advance notification. The employee also must call the Executive Director each subsequent day he/she will be out on sick leave unless other arrangements are made. Failure to provide the required notice may result in the employee's being placed on leave-without-pay status and could result in disciplinary action against the employee. Employees are expected to return to work as soon as they no longer need to take sick leave.

5.10.3.3.5 VERIFICATION

The Director or an employee's supervisor may request an employee to furnish, and the employee must provide upon request, written verification by a third party (acceptable to the Director) supporting the request for sick leave benefits.

5.10.3.3.6 ACCUMULATION OF SICK LEAVE

Sick leave not used by regular employees during the calendar year in which it accrues is available for use in succeeding years.

5.10.3.3.7 ILLNESS WHILE ON ANNUAL LEAVE

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

5.10.3.3.8 CANCELLATION OF SICK LEAVE UPON TERMINATION

Unused sick leave is canceled upon termination of employment, without compensation to the employee.

5.10.3.3.9 TRANSFER OF SICK LEAVE

Employees who have accrued more than 240 hours of sick leave may transfer sick leave to the leave pool. The transfer may not cause the employee's sick leave balance to be less than 240 hours.

5.10.3.3.10 EXHAUSTION OF SICK LEAVE

An employee who has exhausted accrued sick leave benefits may request to use accumulated annual or other paid leave, may request leave of absence without pay, or may request a transfer from pooled leave.

Access to pooled leave is limited to a maximum of 240 hours per calendar year per employee. Pooled leave may be requested by

completing the Pooled Leave Request Form and submitting it to the Executive Director for approval. A physician's statement must be attached to the form certifying that the employee is unable to return to work and listing the anticipated return to work date.

An employee who has exhausted all accrued paid leave balances due to illness/injury may be eligible to file for short term disability benefits (see insurance benefits section of employee handbook for claim information).

5.10.3.4 FAMILY AND MEDICAL LEAVE

These policies apply only when total employment for the Board is 50 or more employees within a 75-mile radius.

5.10.3.4.1 FAMILY AND MEDICAL LEAVE ELIGIBILITY

To be eligible for family leave, an employee must have been employed continuously by WST for at least the previous 12 months and have worked at least 1,250 hours during those 12 months in a regular position. This policy applies equally to male and female employees. However, if both spouses are employed by WST, and the reason for the leave is to care for a newly arrived child or a sick parent, 12 weeks is the aggregate family leave limit for both. Temporary employees are not eligible for family leave.

5.10.3.4.2 PART-TIME/VARIABLE HOURS EMPLOYEES

Where an employee normally works a part-time schedule for variable hours, the amount of leave to which an employee is entitled is determined on a pro rata or proportional basis.

5.20.3.4.3 CALCULATION OF 12-MONTH PERIOD

The 12-month period for eligibility for leave is calculated on an individual employee basis in a uniform manner for all employees. The 12-month period is measured forward from the date any employee's first Family and Medical Leave Act (FMLA) leave begins.

5.10.3.4.4 PARAMETERS

An eligible employee is entitled to 12 unpaid work weeks of leave during any 12-month period for three purposes:

1) Birth or placement for adoption or foster care of a child (only within 12 months of the birth or placement).

2) A serious health condition of a spouse, child, or parent.

3) The employee's own serious health condition. A serious health condition is one that requires either inpatient care or continuing treatment by a health care provider.

An eligible employee is entitled to 26 unpaid work weeks of leave during any 12 month period for two purposes:

4) Military Caregiver Leave: Employees are allowed to take up to 26 weeks of unpaid FMLA leave in each 12-month period to care for family members who suffered a serious injury or illness while on active military duty.

5) Families of National Guard and Reserve personnel on active duty are allowed to take up to 12 weeks of job-protected FMLA leave per year to manage their affairs. The leave of the employee (a spouse, son, daughter or parent of the military member) must be related to certain qualifying situations as one involving: (1) short term deployment, (2) military events and related activities, (3) child care and school activities, (4) financial and legal arrangements, (5) counseling, (6) rest and recuperation, (7) post-deployment activities, and (8) additional activities in which the employer and employee agree to the leave.

5.10.3.4.5 DEFINITION OF FAMILY MEMBERS

"Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent. The child must be under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability. "Spouse" means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage.

5.10.3.4.6 LIMITATIONS/RESTRICTIONS

Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child only if the arrangement is agreed to by WST. However, leave for serious health conditions—either of an eligible family member of the employee or the employee—may be taken intermittently or on a reduced schedule if medically necessary, provided the other conditions of these policies are met.

5.10.3.4.7 TEMPORARY TRANSFER

If the employee's request for intermittent leave is foreseeable based on planned medical treatment, WST may require the

employee to transfer temporarily to an alternative position, with equivalent pay and benefits, that better accommodates recurring periods of leave.

5.10.3.4.8 MAXIMUM DURATION

The total cumulative maximum period of time which an employee may be absent from work on family leave during any 12-month period is 12 weeks, regardless of whether all or a portion of the leave period is paid or unpaid (except for items 4-5 in Section 5.10.3.4.4). If an employee has accrued sick, vacation, or personal leave on the books at the time the family leave commences, the employee must exhaust those leave balances before being eligible for unpaid family leave. Once the employee's leave balances have been exhausted, WST will then provide enough unpaid family leave to total 12 weeks. During the unpaid portion of an employee's family leave period, the employee accrues no additional vacation leave, sick leave, or any other type of leave.

5.10.3.4.9 PROVIDING NOTICE

In the case of leave for birth or placement of a child, an employee must provide at least 30 days' advance notice before the date on which the leave would begin. If the employee is unable to provide 30 days' notice, he/she must provide as much notice as is practicable, usually within one or two business days of the date the employee is aware of the need to request leave. In the case of leave for a serious medical condition, if the leave is foreseeable based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly WST's operations. The same advance notice requirements apply.

5.10.3.4.10 WRITTEN CERTIFICATION OF CONDITION

An employee requesting a paid or unpaid leave of absence for extended illness or temporary disability must submit to the Director one of the following:

1) Employee must have a qualifying serious health condition that involves more than three consecutive calendar day of incapacity, plus two visits to a health care provider within 30 days of the period of incapacity.

2) A medical doctor's statement as to the date upon which the employee is no longer able to perform his/her duties. The HR director or leave administrator of WST may directly contact the employee's health

care provider to seek clarification about information on an employee's FMLA certification form, but cannot ask for information beyond what is required by the certification form.

3) A statement that the employee is needed to care for a spouse, parent, or child, with the length of the recuperation period or an estimate of the time required to care for the family member, and appropriate medical facts regarding the condition.

In addition, the employee must also provide the Director with a written statement from the employee concerning his/her intentions about returning to work at WST. An employee on family leave must contact his/her supervisor at least once each workweek unless another schedule satisfactory to WST has been established in writing and signed by the Director and the employee. WST may also require subsequent re-certifications as reasonably needed. Failure to provide required medical status reports or to contact the office on the schedule required by the Director is grounds for disciplinary action.

5.10.3.4.11 SECOND, THIRD OPINIONS

WST may require a second opinion, and, if conflicting, a third opinion from a health care provider as to the need for and scheduling of family leave. The second and third opinions, if sought and obtained by WST, will be paid for by WST and will be obtained from independent health care providers who are not employed by WST. If a third opinion is necessary, the third opinion obtained is final.

5.10.3.4.12 RETURN TO WORK / ASSURANCES

After completion of an approved family leave period, an employee will be returned either to the same position he or she held before the leave began or to a position equivalent to the previously held position in pay, benefits, and other terms and conditions of employment. This policy may be modified for "key employees", defined as those salaried employees in the top 10 percent of WST's workforce. Key employees will be notified in advance of their status. Regardless of whether the family leave period is paid, unpaid, or a combination of paid and unpaid, the employee's health insurance coverage will be continued in the same manner and at the same level as it would have been had the employee continued in employment for the duration of the family leave period. However, should the employee decide, at any time after family leave begins, that he or she will not return to work at WST, the

employee must reimburse WST for health coverage premiums paid by WST on behalf of the employee during the family leave period unless the reason for not returning to work is the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond the employee's control. This is subject to certification.

5.10.3.4.13 RETENTION OF BENEFITS

An employee on family leave does not lose any previously accrued seniority or employment benefits, but does not earn any leave credits or other benefits during the unpaid portion of the leave. After returning to work from family leave, an employee receives an adjusted employment date and adjusted anniversary date, which will reflect the period of time the employee was on unpaid family leave. The adjusted date will be used for the purpose of calculating leave accrual and any other benefits based on longevity. Perfect attendance awards can be denied to employees who take FMLA leave.

5.10.3.4.14 REQUEST FOR EXTENSION OF FAMILY AND MEDICAL LEAVE

If an employee requests additional unpaid leave beyond the 12-week maximum allowable under the family and medical leave provisions of these policies, any extension granted will be under the terms set out in Section 5.10.3.8, LEAVES OF ABSENCE WITHOUT PAY. Employees should read the referenced section carefully and understand the differences between these two types of leaves before requesting an extension.

5.10.3.4.15 DOCUMENTATION

All documentation regarding family leave will be filed in the employee's medical file, which is maintained separate from the personnel files and is accessible to a limited number of persons only on a "need-to-know" basis. (Legal reference: U.S. Americans with Disability Act of 1990.)

5.10.3.4.16 SUMMARY OF FAMILY AND MEDICAL LEAVE ACT

WST has posted a summary of the Family and Medical Leave Act on its central bulletin board for employees' information.

5.10.3.5 FUNERAL LEAVE

Three days of funeral leave may be granted upon the death of an immediate family member. For purposes of funeral leave, "immediate

family" includes any person related within the first degree of affinity, or the second degree of consanguinity

One day of funeral leave may be granted upon the death of an extended family member. For purposes of funeral leave, "extended family" includes any person related within the second degree of affinity, or the third degree of consanguinity. Funeral leave may also be granted upon the death of a relative who lives in the same household as the employee.

5.10.3.6 MILITARY LEAVE

5.10.3.6.1 EMPLOYEES WHO ARE MEMBERS OF STATE MILITARY FORCES OR ARMED FORCES RESERVES

Regular employees who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties, without loss of seniority or benefits on all days during which they are engaged in authorized training or duty ordered by proper authority, not to exceed 15 days in any one federal fiscal year.

5.10.3.6.2 COMPENSATION

WST shall compensate employees on military leave for the difference between their regular rate of pay and their military pay upon completion of military leave and submission of appropriate pay certificates. Military leave in excess of 15 days will be charged to annual leave or leave without pay.

5.10.3.6.3 EXTENDED ACTIVE DUTY

Regular employees who are ordered to extended active duty with the state or federal military forces are entitled to all of the re-employment rights and benefits provided by law upon their release from active duty.

5.10.3.6.4 MILITARY LEAVE REQUESTS

Copies of relevant military orders must be attached to requests for approval of military leave.

5.10.3.7 CIVIL LEAVE

Employees are entitled to civil leave with pay for jury duty, and for serving as a subpoenaed witness. When an employee has fulfilled the reason for the civil leave, he/she must report to WST for duty for the remainder of the workday.

5.10.3.8 LEAVES OF ABSENCE WITHOUT PAY

5.10.3.8.1 DEFINITION OF LEAVE OF ABSENCE WITHOUT PAY

Leave of absence without pay is an approved absence from duty in a non-pay status for not more than six (6) months, unless the Director approves an extension. Extensions of leave may be authorized by the Director in no more than one month intervals, and a careful review must be conducted prior to authorizing an extension.

5.10.3.8.2 APPROVAL OF LEAVE OF ABSENCE WITHOUT PAY

Granting a leave of absence without pay is at the discretion of the Director. Such leave is not authorized unless all applicable accrued paid leave has been exhausted and there is a reasonable expectation that the employee will return to employment with WST at the end of the approved period. A summary of the basis for the decision to grant or deny a leave of absence and the terms of the leave must be prepared by the employee's supervisor, signed by the Director, or his/her designee, and placed in the employee's personnel or medical file, as appropriate.

5.10.3.8.3 AUTHORIZED REASONS FOR LEAVE WITHOUT PAY

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

1) Military service (see also Section 5.10.3.6)
2) Recovery from extended illness or temporary disability, including using leave without pay in lieu of or to extend the allowable 12-week period of family leave; pregnancy is treated in the same manner as any other extended illness or temporary disability (see also Section 5.10.3.4, FAMILY AND MEDICAL LEAVE).
3) Educational purposes when successful completion will benefit WST
4) Public service assignments
5) Personnel exchange programs that emphasize intergovernmental relations
6) Any other reason that, in the opinion of the Director, merits a leave of absence without pay.

5.10.3.8.4 BENEFITS DURING LEAVE OF ABSENCE WITHOUT PAY

Employees on leave of absence without pay receive no compensation and accrue no benefits. However, previously accrued benefits and seniority are retained during leaves of absence without pay unless otherwise prohibited by the terms or provisions of the benefit programs. Medical insurance can be continued if the employee pays the premiums (including WST's portion) in full in a timely manner. WST's benefit plan or insurer may limit the length of time the medical benefits may be continued.

5.10.3.8.5 PROVIDING NOTICE

An employee requesting an unpaid leave of absence must provide the Director with a statement from an appropriate third party as to the date upon which the employee is no longer able to perform his/her duties and the expected length of time needed. In addition, the employee must furnish WST with a written statement from the employee concerning his/her intentions about returning to work at WST. In determining whether or not to approve the request for leave without pay, the Director will consider the employee's length of service and performance, the department's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties.

5.10.3.8.6 CONTACT WITH WST WHILE ON LEAVE OF ABSENCE WITHOUT PAY

An employee on leave without pay must contact the WST Director to report on his/her status at least once each workweek unless another schedule satisfactory to WST has been established in writing and signed by the employee and the Director. Failure to provide required status reports or to contact the office on the schedule required by the Director or the supervisor is grounds for revoking the leave and for taking disciplinary action.

5.10.3.8.7 RETURN TO WORK AFTER LEAVE WITHOUT PAY

Upon returning to work after an authorized leave of absence without pay, an employee receives an adjusted employment date and adjusted anniversary date, which reflects the period of time that the employee used for the leave of absence. This adjusted date will be used for the purpose of calculating annual leave accrual and any other benefits that may be based on longevity.

5.10.3.8.8 EMPLOYEE REINSTATEMENT

At the expiration of a leave of absence without pay, every effort will be made to reinstate the employee in the same, or a

comparable, position. However, if no vacancy exists and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be separated and paid accrued benefits. See also the sections on Family and Medical Leave and on Military Leave for specific provisions relating to leave of absence for those purposes.

5.10.3.8.9 REVOCATION OF LEAVE WITHOUT PAY

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

5.10.3.8.10 CALCULATION OF WAGES FOR PARTIAL PAY PERIOD

When an employee is absent without paid leave for only a portion of a pay period, the wages for the period will be pro rated by the percentage of the pay period on unpaid leave.

5.10.3.9 ADMINISTRATIVE LEAVE

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

5.10.3.10 INJURY LEAVE

For information on occupational disability or injury leave for bona fide, on-the-job, work-related injuries, see Sections 5.12 and 5.13 of these policies.

5.10.3.11 USING LEAVE IN COMBINATION

5.10.3.11.1 SICK AND ANNUAL LEAVE COMBINED

A regular employee who is requesting extended leave for illness or temporary disability must exhaust all of his/her accrued sick and annual leave prior to requesting leave without pay.

5.10.3.11.2 AUTOMATIC APPLICATION OF ANNUAL LEAVE

If an employee is sick or temporarily disabled for non-work-related reasons, and he/she exhausts accrued sick leave, WST will automatically begin applying any accrued annual leave credits unless notified differently by the employee.

5.10.3.11.3 SICK LEAVE AND VACATION

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

5.10.3.11.4 OTHER TYPES OF LEAVE

With the approval of the Director, other types of leave may be used in combination or coupled with holidays if it is determined to be in the best interests of WST and the employee.

5.10.3.12 ABANDONMENT OF POSITION

The Director will consider unauthorized absence from work for a period of three consecutive working days a resignation. Unless otherwise determined by the Director upon presentation of supporting documentation of extraordinary circumstances, the employee's resignation in this situation is not considered to be in good standing, and the employee is not eligible for rehire.

5.11 HOLIDAYS

5.11.1 PAID HOLIDAYS

The Board establishes paid holidays each year. The following normally are observed as paid holidays for all employees:

1) New Year's Day
2) Martin Luther King Day
3) Presidents Day
4) Memorial Day
5) Independence Day
6) Labor Day
7) Veterans Day
8) Thanksgiving Day
9) Day after Thanksgiving
10) Christmas Eve
11) Christmas Day
12) One additional Christmas Day (as determined by the Director)
13) One additional holiday of the employee's choosing, termed a "Floating Holiday" (with prior departmental approval). The Floating Holiday must be taken within each Board fiscal year (July 1-June 30). A Floating Holiday cannot be carried over to another fiscal year.

5.11.2 HOLIDAYS FOR NONEXEMPT EMPLOYEES

Nonexempt employees who are required to work on a holiday in addition to working their regular 40-hour workweek will be compensated in one of the following methods:

1) Granted an alternate day off for the holiday, within the same work week, unless extraordinary circumstances exist

2) Granted time and one-half for each overtime hour worked in excess of 40 hours (to be taken within the subsequent pay period)

5.11.3 HOLIDAYS FOR TEMPORARY EMPLOYEES

Temporary employees may be granted unpaid holidays.

5.11.4 HOLIDAYS FOR PART-TIME REGULAR EMPLOYEES

Part-time regular employees who would normally have worked on a day of the week observed as a holiday shall be entitled to holidays with pay for the number of hours they would have worked on that day if the holiday had not occurred.

5.11.5 HOLIDAYS DURING ABSENCE WITHOUT APPROVED PAID LEAVE

An employee who is absent without approved paid leave on the workday immediately preceding or following a holiday will not be paid for the holiday. Employees who are absent due to FMLA qualifying leave or an ADA disability may still qualify for holiday pay.

5.11.6 HOLIDAYS THAT FALL ON A SATURDAY OR SUNDAY

Whenever an approved holiday falls on a Saturday or Sunday, it will be observed on the Friday preceding or the Monday following, as determined by the Director.

5.11.7 HOLIDAY DURING ANNUAL LEAVE

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

5.11.8 WORK DURING HOLIDAYS

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

5.12 HEALTH AND SAFETY POLICY

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

5.12.1 EMPLOYEE RESPONSIBILITIES CONCERNING HEALTH AND SAFETY

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

5.12.2 REPORTING HEALTH AND SAFETY ISSUES

5.12.2.1 REPORTING ON-THE JOB ACCIDENTS

An employee must report every on-the-job accident, no matter how minor, to his/her supervisor within 24 hours. The supervisor is responsible for filing a written accident report immediately with the Director.

5.12.2.2 REPORTING OTHER HEALTH AND SAFETY ISSUES

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

5.12.2.3 FAILURE TO REPORT HEALTH AND SAFETY ISSUES

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

5.12.3 EMPLOYEE SUGGESTIONS FOR HEALTH AND SAFETY IMPROVEMENTS

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

5.13 ON-THE-JOB INJURIES

5.13.1 INSURANCE FOR ON-THE-JOB INJURIES

WST provides Workers' Compensation Insurance for all of its employees. This insurance provides medical expenses and a weekly payment if an employee is absent from work because of a bona fide, on-the-job, work-related injury for more than seven days. All Workers' Compensation Insurance claim forms must be submitted to the Finance Director within 30 days of the occurrence of the injury or within 30 days of the date you knew your injury might be work related. Upon receipt, the Finance Director will follow appropriate procedures as designated by the Texas Worker's Compensation Commission regarding providing information to the employee and filing the claim. The responsible staff member must notify the Director immediately upon receipt of a claim.

5.13.2 MEDICAL ATTENTION FOR ON-THE-JOB INJURIES

An employee who sustains a bona fide, on-the-job, work-related injury may seek medical attention from the medical facility or professional of his/her choice. WST encourages employees to return to work as soon as they are able to do so. An employee returning to work must submit a physician's statement of medical condition and release to return to work. As determined by the Director, at WST's expense, an employee may be required to submit to examination by an independent physician.

5.13.3 INITIATION OF INJURY LEAVE

An employee who is placed on leave for a bona fide, on-the-job, work-related injury will be provided with a copy of WST's policy concerning on-the-job injuries prior to or as soon after the beginning of the leave as is feasible. Injury leave begins on the first scheduled workday of absence due to on-the-job injury and continues until the employee returns to work, his/her eligibility expires, or the employee is removed from injury leave coverage by WST.

5.13.4 COMPENSATION FOR ON-THE-JOB INJURIES

If an employee sustains a bona fide on-the-job, work-related injury which renders him/her unfit for performing the duties of the job, and if accrued sick or annual leave is available, the employee is placed on leave status and receives full pay less legal deductions from WST for up to one week.

5.13.4.1 SICK LEAVE FOR ON-THE JOB INJURIES

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

5.13.4.2 ANNUAL/SICK LEAVE ACCRUAL WHILE RECEIVING WORKERS' COMPENSATION

An employee receiving Workers' Compensation payments does not accrue annual or sick leave and is not entitled to receive holiday pay.

5.13.5 DURATION OF INJURY LEAVE

The maximum duration of injury leave is six months. See Section 5.10.

5.13.6 TERMINATION OF INJURY LEAVE

The Director may terminate injury leave with pay, at any time and without prior notice if the Director determines from credible evidence that the employee, although able to return to work, has not done so.

5.13.7 CONTINUATION OF MEDICAL, LIFE, DEPENDENT'S AND/OR DENTAL INSURANCE

To continue medical and/or dental insurance when the employee is on injury leave and no longer receiving a regular paycheck, the employee must pay both the employee's and WST's portions of the insurance premiums to WST on the schedule established by WST's personnel office. This provision applies to

employees who are away from the job on injury leave in excess of 30 calendar days. WST will continue making WST's portion of insurance payments during the first 30 days of absence.

5.13.8 EXCLUSION FROM INJURY LEAVE POLICY

Injuries caused intentionally by oneself or to unlawfully injure another, intoxication, by act of God except in certain limited circumstances, or by act of a third party for personal reasons do not qualify for coverage by injury leave with pay.

5.13.9 REPORTING REQUIREMENTS

While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the doctor for consultation or treatment, he/she must provide a progress report to the Director, or his/her designee. Any change in the employee's condition that might affect his/her entitlement to Workers' Compensation payments must also be reported to the Director, or his/her designee. In addition, the injured employee must contact his/her supervisor periodically, on a specific schedule, to report on his/her condition. Failure to provide the required medical status reports or to contact the supervisor on the schedule required by the Director, or his/her designee, is grounds for revoking the employee's leave and for taking disciplinary action.

5.13.10 REQUIREMENTS FOR RETURNING TO WORK

A written statement from the attending physician certifying that the employee has been released to return to work and specifying the type(s) of work he/she is capable of performing as well as any limitation(s) must be received by WST before an employee may return to work. All employees on injury leave must return to work after approval of either the employee's attending physician or an independent physician paid by WST. Failure to return to work when directed will result in appropriate disciplinary action. Upon receipt of a release to return to work, WST may require the employee to submit to a medical examination at WST's expense, to determine whether the employee can perform the essential functions of his/her position, with or without reasonable accommodation. If the employee cannot perform the essential functions of the position, or if the employee is a qualified individual with a disability and he/she cannot perform the essential functions of the position with or without reasonable accommodation, the employee will be terminated. WST's efforts to reasonably accommodate the employee will be conducted in accordance with applicable law.

5.13.11 LIGHT DUTY STATUS

During the course of injury leave if an employee is released by his/her doctor for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a temporary position is available in which WST can use the employee's limited services for an interim period of time.

If no acceptable light-duty assignment can be found, the employee will be placed on injury leave until released by the doctor and Workers' Compensation to return to his/her previous job.

An employee who is able to return to work in a light-duty status is a temporary employee and may be required to work in a different department and perform duties not contained within his/her current job description. When an employee is assigned to light-duty status and is performing different duties, he/she will be paid according to the level of pay that is appropriate for the light-duty job assignment. A light-duty assignment cannot exceed 90 days. In addition, the employee will receive Workers' Compensation payments in a proportionally reduced amount.

5.13.12 FINAL RELEASE STATEMENT

At the time of final release or settlement of a Workers' Compensation claim, the employee must furnish WST with a certificate from the employee's physician stating the status of the employee's physical condition and an anticipated return to work date.

5.14 DRUG-FREE WORKPLACE

The following policy has been adopted to implement WST's desire to establish WST as a Drug-Free Workplace. In all instances, where reference is made to alcohol, drugs or other controlled substances, the references include inhalants.

1) Through distribution of this personnel policy, employees of WST are notified that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace of WST. In addition, WST prohibits employees from being under the influence of alcohol, drugs, or inhalants in the workplace or while on duty for WST. Employees who violate this policy will be subject to immediate dismissal.

2) Each employee of WST will abide by the terms of this policy and will notify WST of any conviction or violation of a drug law occurring in the workplace no later than five days after the conviction.

3) WST will notify any federal funding agency, so requiring, within 10 days after receiving notice under the above paragraph from an employee or otherwise receiving actual notice of the conviction.

4) Any employee so convicted will be subject to serious disciplinary action up to and including immediate dismissal.

5) Employees are required to notify the Executive Director if they suspect any staff member of being under the influence of alcohol or any controlled substance during work hours. This can be accomplished through submission of the WST Substance Abuse Investigation Form, or any other written format.

6) Upon receipt of a written notice that a WST employee may be under the influence of alcohol or a controlled substance during work hours, or if the Executive Director has cause to suspect any employee of this problem, said employee will immediately be required to submit to a urinalysis screening. Results of the screening will be considered by the Executive Director in issuing disciplinary action up to and including dismissal.

7) WST will make a good faith effort to continue to maintain a drug-and alcohol-free workplace through the implementation of this policy.

5.15 SMOKE-FREE WORKPLACE

The following policy has been adopted to implement WST's desire to establish a smoke-free workplace. This policy applies to all employees, visitors and persons entering buildings or offices that are designated for program operations or administration by WST. The coverage of this policy is intended to be in effect at all times including nights and weekends.

5.15.1 DEFINITIONS

5.15.1.1 DEFINITION OF SMOKE FREE

Smoke-free" as used in this policy describes an environment that prohibits individuals from smoking cigarettes, pipes, and cigars or using smokeless tobacco.

5.15.1.2 DEFINITION OF BUILDINGS/OFFICES

WST buildings or offices for purposes of this policy are those that are owned or leased by WST. All vehicles including cars and trucks owned or leased by WST shall be included in the smoke-free workplace as smoking prohibited environments.

5.15.2 NOTIFICATION

Notification will be made to employees through distribution of these Personnel Policies and during the employee orientation so that smokers and non-smokers alike will be aware that WST has a Smoke Free Work Place Policy.

5.15.3 ENFORCEMENT

Employees and visitors who choose to smoke or use smokeless tobacco will be required to leave the building or office that has been designated as smoke-free. Violation of this policy will be subject to disciplinary action. All employees share in the responsibility for adhering to and enforcing the smoke-free workplace policy and informing visitors and guests to our facilities of this policy.

5.16 USE OF PROPERTY

It is WST's policy to attempt to provide each employee with equipment and vehicles adequate to perform the job assigned. It is expected that each employee will observe

safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

5.16.1 TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES

Employees who are assigned tools, equipment, vehicles, credit card or any other WST property by their departments are responsible for them and for their proper use and maintenance.

5.16.1.1 PERSONAL OR POLITICAL USE

No personal or political use of any WST property, materials, supplies, tools, or equipment is permitted. Vehicles owned or leased by WST are for WST use only, unless a specific agreement exists regarding use of a vehicle as part of an employee's compensation package. If an employee is in doubt about a potential use, he/she must check with his/her supervisor before proceeding. Violations of this policy may result in dismissal and prosecution.

5.16.1.2 SAFETY & SECURITY WHILE USING OR OPERATING PROPERTY OR EQUIPMENT

WST staff will make every effort to keep WST property, such as cell phones, laptops, computers, credit cards, or other equipment or property in a safe and secure location. Staff will immediately notify Executive Director or designee of security issues concerning WST equipment or property. Staff will also operate all equipment, property, or tools in a safe manner, including, but not limited to cell phones, copiers, and computers. Cell phones should be used with care when driving and staff are encouraged to use hands-free kits and, if possible, to pull over to the side of the road when using cell phones.

5.16.2 VALID DRIVER'S LICENSE

All operators of WST vehicles or their own personal vehicle on WST business are required to have a valid driver's license necessary for legal operation of that vehicle in the State of Texas and to keep their supervisors informed of any change of status of their license. A copy of a valid driver's license will be kept in each employee's personnel file.

5.16.2.1 SUSPENSION OR REVOCATION OF DRIVER'S LICENSE

Suspension or revocation of the driver's license of an employee who operates a WST vehicle or is required to drive a personal vehicle regularly on WST business may result in a demotion and other disciplinary action up to and including dismissal.

5.16.3 VEHICLE INSURANCE

WST maintains up-to-date insurance coverage on all vehicles owned or leased by WST. Employees who drive a personal vehicle on WST business are required to have automobile liability insurance as required by the State of Texas and to maintain up-to-date insurance coverage. Each employee to whom this provision applies must furnish WST proof of appropriate insurance coverage. Copies of proof of automobile liability insurance are kept in each employee's personnel file. Failure to meet any of these requirements may result in disciplinary action up to and including dismissal.

5.16.4 REPORTING AN ACCIDENT

Any employee operating WST vehicles or leased vehicles must report all vehicular accidents and property damage or liability claims, no matter how minor, to his/her supervisor and to the appropriate law enforcement authorities immediately, so that an official accident report can be filed. The employee's supervisor must notify the Finance Officer of the accident on the day of the accident if it occurred on a business day, and on the first business day following the accident if it occurred after hours or on a non-workday. Failure to notify the Finance Officer within the required time period may result in disciplinary action.

5.16.4.1 COPY OF ACCIDENT REPORT

A copy of any accident report involving WST equipment or vehicles must be forwarded to the Director as soon as the law enforcement investigation is completed. A copy of the accident report must also be filed in the personnel file of the employee involved in the accident.

-95.16.5 USE OF BUILDINGS AND PREMISES

Use of WST buildings and premises by employees shall be in compliance with law and with WST policies regarding authorized uses.

5.16.6 WST CREDIT CARD PROCEDURES

See Section 3.2.12.1 of Chapter 3 - Travel Policies and Procedures.

5.17 DISCIPLINE

Employees of WST serve **at will** and, as such and within the provisions of state and federal law regarding public employment, can be dismissed at anytime, with or without notice, for any reason or no reason. Some of the actions that may result in disciplinary steps and/or immediate termination include, but are not limited to, the following:

1) Insubordination
2) Absence Without Leave including absence without approval, failure to notify a supervisor of sick leave, and repeated tardiness or early departure

3) Endangering the Safety of the Employee and/or Other Persons through negligent, willful conduct, or threats made to coworkers or customers may result in immediate termination

4) Use of Alcohol, Drugs or Inhalants while on duty or in a WST vehicle in a manner which may affect the performance or safety of the employee or other persons

5) Involvement with Alcohol, Drugs or Inhalants in the workplace in violation of WST's Substance Abuse Policy

6) Unauthorized Use of Public Funds or Property

7) Conviction of a felony

8) Conviction of Official Misconduct, oppression, or perjury

9) Falsification of Documents or Records

10) Unauthorized Use of Official Information or unauthorized disclosure of confidential information

11) Unauthorized or Abusive Use of Official Authority

12) Violation of the Sexual Harassment Policy

13) Incompetence or Neglect of Duty

14) Personal or misuse of Board credit card

15) Disruptive Behavior which impairs the performance of others

16) Other Violation of any of the requirements of these Personnel Policies.

5.17.1 PROGRESSIVE DISCIPLINE

Although, the Director, or his/her designee, may take disciplinary action, including dismissal, against an employee at any time, such discipline is not required. The severity of the discipline depends upon the nature of the infraction. All disciplinary action requires advance approval of the Director.

5.17.2 PROCEDURES TO DOCUMENT VIOLATIONS OF WST POLICIES

An employee found to be in violation of WST policies (knowingly or unknowingly) will discuss with management staff the nature and seriousness of said deficiency in performance. Although this reprimand may only be verbal, a written notice of reprimand will be prepared and put into the employee's personnel file. Continued deficiencies of the same type, or any others, will be similarly discussed and recorded. The employee has the right to a verbal or written reply to any issue brought to them by the employer and may have this response (in writing) placed into their personnel file. The employee may be given a reasonable, but specific amount, of time to correct any deficiencies.

5.17.3 DISMISSAL DUE TO DISCIPLINARY ACTION

For additional information regarding procedures to be followed if the discipline results in separation by dismissal, see Section 5.19 of these policies.

5.18 SEPARATIONS

5.18.1 TYPES OF SEPARATIONS

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

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

5.18.2 POLICY AND PROCEDURES CONCERNING TYPES OF SEPARATIONS

5.18.2.1 RESIGNATION

WST requests that an employee who intends to resign provide his/her supervisor with 10 working days' advance written notice of the resignation. The supervisor shall immediately notify the Director. Failure to give at least 10 working days' notice will result in the employee being ineligible for rehire.

5.18.2.2 RETIREMENT

The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice may be required to access retirement funds.

5.18.2.2.1 AUTHORIZATION FOR DISPOSITION OF RETIREMENT FUNDS

Authorization for disposition of vested retirement funds shall be signed and submitted to the Finance Officer as soon as possible after notification of resignation.

5.18.2.3 REDUCTION IN FORCE

An employee may be separated when his/her position is abolished, or when there is either a lack of funds or a lack of work. Written notice to employees affected by a Reduction-In-Force shall be provided as soon as possible. When reductions in force are necessary, decisions on individual separations will be made after considering all of the following:

1) The relative necessity of each position to the organization.

2) The performance record of each employee.

3) Transferability of the employee's skills to remaining positions with WST.

5.18.2.4 DISMISSAL

All employees are employed "at will" and, within the limits of state and federal law applying to public employment, may at any time during their employment, be terminated with or without notice, for any reason or no reason.

5.18.2.4.1 PROCEDURES TO TERMINATE EMPLOYEES WHO ARE IN VIOLATION OF WST POLICIES

At the discretion of the Executive Director, any accumulation of deficiencies that has not been corrected by the employee can be grounds for termination. Such factors as repetition of the same problem, a multiplicity of different issues, and the level of effort and success in correcting deficiencies will be taken into consideration when determining whether an employee will be terminated.

5.18.2.5 DISABILITY

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

5.18.2.6 DEATH

If a WST employee dies, his/her estate receives all pay due and any earned and payable benefits as of the date of death.

5.18.3 TERMINATION PROCEDURES

WST staff will follow the following termination procedures:

1) In the event of a termination, for whatever reason, the terminated employee will receive notice of termination with a specified time and day of the last day of work.

2) A Personnel Action Form will be completed, indicating the reason for the termination.

3) An entry on the employee's Employment Record will be made, reflecting the termination.

4) WST management staff will require the return of all WST property associated with their employment.

5) The terminating employee will be asked to complete an exit interview review with their supervisor.

6) The terminating employee will be asked to complete a form with information to be released to any future employer.

7) WST management staff will notify the Finance Officer in writing of the termination of an employee so that all appropriate adjustments will be made to the payroll system in a timely manner (in any case, prior to the subsequent pay period following the termination).

8) If any employee resigns, two weeks notice is required.

9) Upon resignation, the WST will pay any remaining annual leave in accordance with the policies detailed in the WST Personnel Policies.

10) The WST's grievance policy is detailed in Section 5.20.

5.18.4 CALCULATION OF SEPARATION PAY

If an employee's separation occurs prior to the last day of the pay period, wages for the period will be prorated based on the percent of the pay period worked. WST.

5.18.5 PAYMENT OF LEAVE BALANCES

Upon separation from WST employment, an employee who has completed at least three months of employment will be paid for accrued and unused vacation leave up to the maximum allowable accumulation limit of 120 hours. Payment for such leave balances will be issued in a separate check and will be calculated in the following manner:

1) Any amount paid for unused annual leave will be based on the hourly rate in effect for the employee at the time of termination.

2) Unused sick leave shall be canceled upon termination of employment, and the employee shall not be compensated for it.

The employee will receive his/her final paycheck within seven days of his/her last day of employment.

5.18.6 DOCUMENTATION OF SEPARATIONS

Reasons for a separation are documented in writing, by either letter or memo. In a case where an employee resigns, he/she writes a letter or memo stating the reason(s) for and date of the resignation. In cases where the employee does not give a written notice, the supervisor and/or the Director, or his/her designee, documents the reason(s) for the separation. A Personnel Action Form must also be completed. The Supervisor and the Director must sign the Personnel Action Form. The original is kept in the employee's personnel file, and a copy is given to the employee. This documentation is important and may be instrumental in determining WST's liability, or lack of liability, for unemployment insurance costs.

5.18.7 CONTINUATION OF GROUP INSURANCE

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

5.18.8 SEVERANCE PAY

Severance pay will be considered in situations, such as layoffs resulting from internal reorganization, reduction in funding levels, or as a result of a loss of contract. In the event that the Board or any program of the Board is assumed by another company/organization severance will not be paid unless employees are actually laid off. An employee with an offer of continued employment with the new company/organization will not be awarded severance.

5.19 GRIEVANCES

5.19.1 GRIEVANCE POLICY

It is the policy of WST, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those that occur.

Grievance procedures are available to all employees and may be presented based on one or more of the following grounds only: improper application of rules, regulations, or procedures (but not the rules, regulations, or procedures themselves); unfair treatment; illegal discrimination based on race, religion, color, gender (including sexual harassment), age, disability, or national origin; improper application of fringe benefits; or unsafe or improper working conditions.

No employee shall be disciplined, penalized, restrained, coerced, or otherwise prejudiced in employment for exercising the rights provided in the employee grievance procedures. The filing of a grievance does not delay a personnel action, regardless of whether the personnel action is related to the grievance.

Each party involved in the grievance process has the right to:

1) Be dealt with impartially and objectively.
2) Be free from constraint, interference, coercion, discrimination, or reprisal.
3) Be accompanied by a representative.
4) Be given reasonable time to prepare and present the case.
5) Question all witnesses called to testify by the other party and request a full disclosure of the facts.

The procedures in this section apply to all employees of WST unless a particular program administered by WST requires different procedures. If so required, supervisors shall follow the procedures of the particular program.

5.19.2 TYPES OF GRIEVANCES

5.19.2.1 INFORMAL GRIEVANCES

The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his/her supervisor. If the grievance is not resolved informally to the satisfaction of the employee, he/she may file a formal grievance to the supervisor.

5.19.2.2 FORMAL GRIEVANCES

Formal grievances must be in writing, signed by the employee, and presented to the supervisor within 10 working days after the alleged grievance occurred. A statement of the specific remedial action requested by the employee must be included in the formal grievance.

5.19.2.3 GRIEVANCE INVOLVING DISCRIMINATION

If a grievance alleges sexual harassment or discrimination based on race, religion, color, gender, national origin, age, or disability, the employee may present a formal grievance to the Executive Director, bypassing the informal grievance procedure, or, if the Director is the subject of the grievance, to the Presiding Officer of the Board. The Director shall investigate and decide a grievance presented to him/her in accordance with Section 5.19.3, and the Director's decision on the grievance is final. If the grievance is presented to the Presiding Officer of the Board, the Presiding Officer shall either investigate and decide the grievance in accordance with Section or appoint a panel to hear and decide the grievance in accordance with Section 15.19.3. If the Presiding Officer decides the grievance, the Presiding Officer's decision is final.

5.19.3 GRIEVANCE PROCEDURES

After receiving a formal grievance, the supervisor shall follow the following steps:

1) Investigate the grievance, meeting with the employee and any other individuals who may have knowledge of the grievance.
2) Attempt to resolve the grievance with the employee.
3) Deliver a written decision on the grievance to the employee within 10 working days from receipt of the grievance.

5.19.3.1 EMPLOYEE REPRESENTATION

A representative of his/her choosing may represent an employee throughout the grievance process.

5.19.3.2 GRIEVANCE FILES

The Director maintains all documentation related to a grievance in a grievance file, unless the grievance is against the Director. The appropriate supervisor (or designee) and the employee may review the file after completion of the grievance process.

5.19.4 APPEALS

If an employee is dissatisfied with a decision during the grievance process, he/she must appeal to the next level within the prescribed time period. Failure to appeal in a timely manner is a determination that the employee is satisfied with the last decision.

5.19.4.1 APPEALS TO EXECUTIVE DIRECTOR

If an employee is dissatisfied with his/her supervisor's decision on the grievance, the employee may deliver a written appeal of the decision to the Director within 10 working days from the date of the supervisor's decision on the grievance or, if the supervisor did not deliver a written decision on the grievance within 15 working days from the date the employee presented the grievance to the supervisor. The Director shall decide the appeal in writing within 10 working days from the date of receipt, sending copies to both the employee and supervisor. Except as provided in Section 15.19.4.2, the Director's decision on the appeal is final.

5.19.4.2 APPEALS TO THE BOARD

An appeal to the Board may be filed if the Director is the subject of an employee's grievance, or the employee is dissatisfied with the Director's decision on a grievance, or if the Director did not deliver a written decision to the employee within 10 working days from the date the employee presented the grievance to the Director. The Presiding Officer of the Board may respond within 10 working days after receipt of the employee's timely appeal regarding the disposition of the appeal; or, the Presiding Officer of the Board may appoint a panel to hear specific grievances.

5.19.4.2.1 BOARD APPEAL PANEL

The appeal panel shall consist of any three members of the Board that are appointed by the Presiding Officer of the Board. The Presiding Officer of the Board or the appeal panel shall conduct the hearing within 30 calendar days from the date it was selected, unless the Presiding Officer postpones the hearing date for good cause.

5.19.4.2.2 EMPLOYEE NOTIFICATION OF APPEAL PANEL HEARING

The Presiding Officer shall notify the appealing employee by certified mail, return receipt requested, addressed to the employee's address in the employee's personnel file, of the location, date, and time of the hearing, which may not be held sooner than 10 calendar days from the date of the notice. If the hearing is postponed, the Presiding Officer shall notify the appealing employee of the new hearing date, which may not be held sooner than 10 calendar days from the date of the notice, in the manner required for the original hearing.

5.19.4.2.3 APPEAL PANEL PROCEDURES

The panel shall conduct the hearing in executive session, upon compliance with the Open Meetings Act, unless the appealing employee includes a request in his/her appeal that the hearing be conducted in public. The appealing employee and the Director or his/her designee(s) are entitled to appear in person at the hearing, to be represented by legal counsel, to present witnesses and documentary evidence, and to confront and cross-examine adverse witnesses. The Texas Rules of Civil Evidence do not apply at the hearing, and the panel may exclude irrelevant, immaterial, or unduly repetitious evidence.

5.19.4.2.4 APPEAL PANEL DECISIONS

The panel shall decide the appeal and announce its decision upon completion of the hearing. The panel shall base its decision solely on the evidence presented at the hearing. The panel shall not substitute its judgment for the Director's, and the panel shall affirm the Director's decision unless the panel finds that it was unlawful, arbitrary, or not reasonably supported by substantial evidence presented at the hearing. If it so finds, the panel may reverse the Director's decision on the grievance and order the remedial action requested by the employee, or it may order other appropriate remedial action. The panel's decision on the appeal is final.

5.19.4.2.5 EMPLOYEE NOTIFICATION OF APPEAL PANEL DECISIONS

Within 10 working days of the final decision of the appeal panel, the Presiding Officer of the Board shall respond in writing to the employee regarding the disposition of the appeal.

5.20 JOB DESCRIPTIONS AND EVALUATIONS

5.20.1 JOB DESCRIPTIONS

The Director may establish and periodically review an official job description for positions in WST that have been approved by the Board.

5.20.1.1 REQUESTS FOR CLARIFICATION

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

5.20.2 EMPLOYEE PERFORMANCE EVALUATIONS

Supervisory personnel normally conduct a written performance evaluation and an evaluation interview with each WST employee at least annually. In the case of the Director, the WST Executive Committee will conduct such written performance evaluations and interviews. The approved WST review form will be used in all performance evaluations. Performance evaluation records are maintained in each employee's personnel file. WST views performance evaluation as an on-going function for all employees.

5.20.2.1 INTERIM EMPLOYEE PERFORMANCE EVALUATIONS

In addition to annual evaluations, other evaluations, written or oral, should be performed on an "as needed" basis throughout the term of the staff person's employment with WST. Such interim evaluations shall be maintained in the personnel file of the employee.

5.21 PERSONNEL FILES

5.21.1 MAINTENANCE OF PERSONNEL FILES

The Director maintains personnel records. Personnel medical record files are maintained by the Director or his/her designee in a file separate from the personnel records and are to be treated as confidential medical records (See 5.5.12.2)

5.21.2 DISCLOSURE OF PERSONNEL FILE INFORMATION

Information in an employee's personnel file is excepted from required public disclosure if it is information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, except that all information in the personnel file of an employee of a governmental body is to be made available to that employee or the employee's designee as public information is made available under Section 552.102 of the Texas Public Information Act.~~and must be disclosed upon written request unless specific items are excepted from disclosure by law.~~ No information from any record placed in an employee's file will be communicated to any person or organization except by the Director or an employee authorized to do so by the Director.

5.21.2.1 EMPLOYEE PERSONAL INFORMATION

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

5.21.3 EMPLOYEE ACCESS TO PERSONNEL FILE INFORMATION

An employee or his/her representative designated in writing may examine the employee's personnel file upon request during normal working hours at WST offices.

5.21.4 SUPERVISOR ACCESS TO PERSONNEL FILE INFORMATION

When a supervisor requires access to the personnel file of an employee under his/her supervision for the handling of personnel matters, the supervisor must obtain authorization from the Director or his/her designee.

5.21.5 PERSONNEL CHANGES

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

5.21.6 PERSONNEL ACTION FORM

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

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

5.21.6.1 COMPLETION OF PERSONNEL ACTION FORM

The Personnel Action Form is completed on the employee's first day of work and is updated when there is any change in his/her status that relates to employment or benefits. Each Personnel Action Form becomes a permanent part of the employee's personnel file, and a copy is given to the employee each time an action occurs.

5.21.7 PERSONNEL INFORMATION

Employee personnel information will be collected from employees beginning with the employee orientation. Employee information will be stored in locked, secure locations and accessible on a "need-to-know" only basis. Employee information will be stored in the Personnel File, the Payroll Record File, or the Personnel Medical Records files as follows:

5.21.7.1 CONTENTS OF PERSONNEL FILES

An employee's official personnel file should contain at least the following:

1) An employment record form summarizing the employee's history with WST.
2) A copy of the employee's application for employment/resume.
3) A copy of the employment offer letter and acceptance.
4) A signed copy of the following forms:
    a) Employee's acknowledgment of having read a copy of the WST Personnel Policies.
    b) Nepotism Certification
    c) Code of Ethical Conduct
    d) Credit Card Use Guidelines
    e) Cell Phone Use Guidelines
    f) Computer Use Guidelines
    g) Dress Code
    h) Election to Disclose or Keep Confidential Home Address and Home Telephone Number Form.
5) Employee's job description.
6) Copy of Employee's Valid Driver's License and Proof of Current Vehicle insurance.
7) Personnel Action Forms.
8) Records of any citations for excellence, awards for good performance, or job-related training/education.
9) Records of disciplinary action(s).
10) Performance evaluations.
11) Any other pertinent information having a bearing on the employee's status.

12) Any written statements from the employee explaining, rebutting, or clarifying other items in the file.

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

5.21.7.2 CONTENTS OF PERSONNEL MEDICAL RECORDS

An information pertaining to employee's medical record(s), medical condition, or drug testing will be kept in a separate folder in the Executive Director's office. This file may also contain confidential information pertaining to employee's insurance and retirement benefits.

5.21.7.3 CONTENTS OF PAYROLL INFORMATION FILE

Information pertaining to personnel payroll status will be kept in the Fiscal Officer's file. Information may include:

1) IRS W-4 Form

2) USCIS I-9 Form, and copies of supporting documentation

5) Direct Deposit Authorization

5.21.8 LEAVE RECORDS

Official records of leave accrual and usage are kept for each employee by the Administrative Assistant. Leave records are updated at the end of each month. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. It is the responsibility of each supervisor to provide leave usage information to the Administrative Assistant as prescribed elsewhere in these policies.

5.22 TRAVEL AND SUBSISTENCE

The policy of WST is that employees are to be reimbursed, within the limits of established per diem rates, for necessary and reasonable job-related expenses incurred in the authorized conduct of WST business, including business-related travel. Employees must complete a "Out-of-Region/Travel Advance/Rental Car Request Form" before any out-of-region travel. At the discretion of the Director, a cash advance may be made for a specific trip in an amount not to exceed estimated trip expenses. Regardless of whether a cash advance has been made or a request submitted for reimbursement of expenses, all travel expenses are subject to requirements of documentation and reasonableness, and will be reimbursed in conformity with adopted policies and procedures, provided that the travel was properly authorized and that funds are available in WST's budget. In some cases, WST may prepay expenses such as registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved. See WST Travel Policy #3 for additional travel clarification.

5.22.1 CASH ADVANCES

If a cash advance is made prior to a trip, the employee must file an expense report in accordance with Section 5.22.4.1. Allowable expenses claimed will be used to offset the cash advance. If the employee's trip expenses exceed the cash advance amount, the employee will be reimbursed for the difference. If the employee's cash advance exceeds the allowable trip expenses, the employee may reimburse the difference to WST when the trip expense report is filed or carry the balance forward to the subsequent month.

5.22.2 NON-COVERED EXPENSES

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

5.22.3 TRANSPORTATION AND SUBSISTENCE

Employees in full travel status shall be entitled to transportation, accommodations, and other services that are reasonable and meet adequate quality standards for convenience, safety, and comfort. This policy means that travelers shall, whenever possible, use the most economical accommodations which meet reasonable requirements. Employees engaged in necessary and authorized travel in conduct of WST business will be reimbursed, within the limits of established per diem rates, for expenses incurred conducting business for WST. Reimbursable subsistence expenses will generally be for mileage, food and lodging. "Other Costs" include business-related telephone calls, parking, tolls, taxi, and car rental. Receipts, or a statement of expense explaining why a receipt was not available, must accompany any request for reimbursement of lodging or "other" costs.

5.22.3.1 AIRLINE TRAVEL

Standard policy for airline travel will be coach fare unless coach passage is unavailable.

5.22.3.2 USE OF PERSONAL VEHICLE

Where use of a personal vehicle is judged to be the most reasonable and economical means of transportation in the conduct of official WST business, reimbursement will be at the current mileage rate authorized by the Board in accordance with TWC policy. Employees are expected to report the shortest distance between points of departure and destination for all travel. Travel between an employee's residence and WST office is not eligible for reimbursement. Mileage reimbursements will be made monthly based on the appropriate monthly report being completed and submitted by the employee and approved by the appropriate department head.

5.22.4 EXPENSE REPORT

WST will reimburse employees, within the limits of established per diem rates, for any reasonable, necessary and allowable expenses incurred while traveling on official WST business.

5.22.4.1 EXPENSE REPORT PROCEDURES

1) The employee prepares a monthly expense report documenting expenses actually incurred which were not prepaid directly by WST on trips for the previous month

2) The employee verifies with the Finance officer the grants or accounts to which each travel expense is to be charged and forwards the completed report to the Administrative Assistant

3) The completed report is checked by the Administrative Assistance for accuracy and forwards to the Executive Director for approval.

4) The Executive Director reviews, approves, and forwards these forms to the Accountant.

5) The Accountant reconciles the Expense Report against travel advances.

6) If travel advances exceed actual allowable expenses, the amount due is forwarded to be charged against future expenses, or, if indicated, returned to the Board by the employee from their personal monies

7) A reimbursement check is issued to the employee for amounts outstanding after travel advances have been deducted.

5.22.5 TRAVEL POLICY EXCEPTIONS

5.22.5.1 TRAVEL IN WST-OWNED/LEASED VEHICLE

Employees who travel in a WST-owned/leased vehicle will be reimbursed for the documented actual cost of fuel, oil, or other expenses related to the safe operation of the vehicle. When two or more employees travel in a single personal automobile, only one employee will receive per-mile or other automobile reimbursements.

5.22.5.2 CONFERENCE REGISTRATION FEES

Conference registration fees normally will be paid directly to the organization sponsoring the conference.

5.22.5.3 APPLICANT/NEW EMPLOYEE TRAVEL/MOVING EXPENSES

Travel and/or moving expense involving applicants, new employees, or transferred employees is not typically reimbursed by WST. The approval of these types of expenses will be determined on a case-by-case basis.

5.22.6 PROHIBITED EXPENDITURES

Costs in excess of allowable per diem rates or for personal entertainment, spouse's expenses, amusements, social activities, alcoholic beverages, traffic citations, personal phone calls, or illegal activities are not allowable for reimbursement.

5.23 PROFESSIONAL DEVELOPMENT

WST encourages employees to take advantage of educational or training opportunities and professional memberships, which are related to and will enhance the performance of the employees' work with WST. The Executive Director and staff will review available training offered by TWC and determine which training the employee will attend. The Executive Director may also arrange for individual training with local providers if needed. Weekly staff meetings, held at the Board offices, will provide an opportunity for the Executive Director and staff to discuss training needs and identify the most suitable means of obtaining such training.

5.23.1 TUITION REIMBURSEMENT

Subject to supervisor recommendation and the written approval of the Director prior to the commencement of classes and the availability of the employee's program funds, any regular full-time employee who completes a course at an accredited college or university that is related to his/her work at WST may be reimbursed for tuition and books. Such reimbursement must be made from the program or grant to which the employee is assigned. No other costs associated with this training will be paid by the program/grant. In order to be eligible to receive reimbursement for a course, the employee must furnish satisfactory evidence of having completed the course with a grade of B or better. Payment to the employee will not be made until the completion of the course.

5.23.2 REQUIRED ATTENDANCE AT SEMINARS AND CONFERENCES

When WST requires an employee to attend any educational seminar, conference, or training course, WST will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees and authorized travel, meals, and lodging expenses. When appropriate, WST may prepay registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved. See additional information in Section 5.22.

5.23.3 PROFESSIONAL MEMBERSHIPS AND SEMINARS

Subject to the prior written approval of the Director, an employee who joins a state or national professional association related to his/her work at WST may be reimbursed for dues and necessary travel expense when meetings are judged to offer special training or information of value to the employee in his/her work at WST. There will be a limit of three memberships at any one time for each approved employee and such memberships will be terminated in the event of the employee's separation from WST. Likewise, subject to the Director's prior approval, an employee may be reimbursed for conference or seminar expenses if the conference or seminar is related to his/her work.

5.23.4 EMPLOYEE RECOGNITION PROGRAM

At the discretion of the Executive Director and /or the Board, employees may be recognized and/or rewarded as follows:

1) Verbal recognition at Board meetings.
2) Certificates or plaques presented at Board meetings.
3) Commendations to the personnel file.
4) A Bonus Day may be awarded to the employee in addition to the employee's regular annual leave. Bonus days are awarded by the Executive Director and may be issued based on exemplary performance or extra efforts. A Bonus Day coupon will be issued with an expiration date and instructions for redeeming the coupon.
5) Monetary incentives are based on performance, longevity, cost reduction, efficiency suggestions, safety awards or extra efforts. Monetary incentives up to $1,000 per person may be awarded at the discretion of the Executive Director (within budgetary constraints). The Executive Committee must recommend incentives over $1,000 per person. The combined amount of incentives and salary will not exceed the limitations mandated by TWC. Incentives for the Executive Director must be approved by the Executive Committee of the Board.

Typically, incentives will be awarded at the end of a program year, on employment anniversaries or the end of a calendar year; however, they may be awarded at other times if determined appropriate by either the Board or the Executive Director. Longevity incentives will be paid in the amount of $200 per five years of service.

5.23.5 Cell Phone Reimbursement

1) Employees who do not have use of Board owned phones will be issued a monthly stipend of $30 to pay for business related cell phone calls. In the event an employee resigns or is terminated prior to the end of any given month, no reimbursement will be made.

2) Reimbursement will be requested monthly on the employee's time sheet.

3) Cell phone reimbursement will be paid the second payroll of the month and will be treated as taxable income to the employee.

4) It is the employee's responsibility to maintain their own records in respect of any IRS deductions to be claimed against the allowance.

5.23.6 Camera Cell Phone Use During Work Hours

1) Employees may not use camera phones to transmit communications (visual or audio) of a sexually explicit nature or otherwise in violation of Workforce Solutions Texoma's policy against harassment.

2) Employees may not use camera phones while operating an automobile or in other circumstances where such use would pose a safety hazard.

3) Employees may not use camera phones or other cell phones to capture visual and/or audio without the consent of the subject being captured (i.e., employees should not secretly photograph or record anyone).

4) Camera phones may not be used to capture or transmit confidential information.

5.23.7 Board Member/CEO or Volunteer Recognition

1) Board members and/or Chief Elected Officials who are retiring from Board service may be recognized with a plaque

2) Board members and/or Chief Elected Officials may be recognized for outstanding service with the presentation of a plaque or certificate.

3) Volunteers who serve on a Board committee or Task Force may be recognized with the presentation of a plaque or certificate.