

TEXAS MILITARY DEPARTMENT



hr@military.texas.gov
payroll@military.texas.gov
staffinghr@military.texas.gov



512-782-5133



TMD OSA Human Resources & Payroll



STATE EMPLOYEE POLICIES & PROCEDURES MANUAL

Number 1200.01

1 September 2023



Texas Military Department

State Employee

Policies & Procedures Manual

Number 1200.01
1 September 2023

Texas Military Department (TMD)
2200 W. 35th St
Austin, TX 78703

OPR: Office of State Administration (OSA)

Supersedes. TMD State Employee Policies and Procedures Handbook 1400.01 dated 1 January 2018.

Authority. Texas Government Code

Summary. The Texas Military Department (TMD or “the department) maintains this Employee Manual of Policies and Procedures to:

- a. Provide formal policies and procedures for state employees and supervisors;
- b. Assist employees and supervisors in understanding their responsibilities and the department’s expectations regarding work and personal conduct;
- c. Inform employees of available employment related benefits and services; and
- d. Ensure consistent interpretation and application of established policies.

The information in this handbook is current as of the date of the publication date but is subject to change as statutes, regulations, and department policies are modified. The Adjutant General reserves the right to change the provisions of this guide at any time and without notice. In the event of a discrepancy between this manual and more recent department rules, policies or procedures, the most recent publication prevails.

Applicability. TMD personnel (including state employees, state supervisors and managers, and military personnel who supervise state employees) are responsible for knowing and following all policies and procedures contained in this manual.

Policy.

- a. Personnel directives, policies, and procedures will be approved and signed by the Adjutant General and/or his/her designee to become effective.
- b. All directors, department heads, and supervisors within the TMD must support the TMD’s personnel policies and procedures.

c. Every employee will have access to current policies and procedures through the State Human Resources office. Personnel directives are also available through the Texas Military Department webpage located at www.tmd.texas.gov

d. It is an employee's responsibility to be knowledgeable of personnel directives and procedures. Being unaware of any TMD policy or procedure is not a defense for a rule violation or grounds for a grievance.

Management Control Process. No policy and procedures manual can address every possible employment related situation that may arise therefore, TMD management may:

a. Act within its discretion to resolve issues that are not adequately addressed in this manual; and

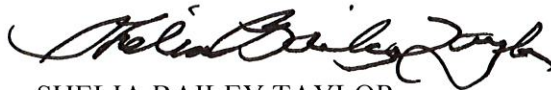
b. Depart from written policy, when necessary to address the circumstances of particular situation, if the departure is approved in advance by the Adjutant General or his/her designee.

Biennial Reviews. Review and update of policies and procedures covering program areas will be conducted biennially at minimum.

Proponent and Exception Authority. Director of State Administration (DOSA), through State Human Resources

Supplementation. Supplementation of this handbook or establishment of command and local forms on is prohibited without prior approval from the Adjutant General (TAG) or Director of State Administration (DOSA), through the State Human Resources (NGTX-RMH), P.O. Box 5218, Austin, TX 78763-5218.

Suggested Improvements. Users are invited to send comments and suggested improvements concerning this handbook directly to State Human Resources (NGTX- RMH), P.O. Box 5218, Austin, TX 78763-5218, hr@military.tex.gov.



SHELIA BAILEY TAYLOR
Director of State Administration



THOMAS M. SUELZER
Major General, TXANG
Adjutant General

Distribution. A

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General Information

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1.1. AT-WILL EMPLOYMENT.

a. The Texas Military Department (TMD) employs all state employees on an at-will basis. This means that:

(1) All state employees serve at the pleasure of the Adjutant General or designee, the Director of State Administration;

(2) Employment is for no definite period; and

(3) Either TMD or a state employee may terminate the employment relationship at any time, for any reason or no reason, other than an illegal reason by TMD, without liability.

b. Nothing in this manual (or other policy statement, directive, or any written or verbal communication with regards to employment or job assignment), should be construed to imply the existence of contractual employment rights or a guarantee of continued employment. Further, the use of progressive discipline does not alter an employee's at-will status.

1.2. INTRODUCTORY EMPLOYMENT PERIOD.

TMD recognizes an initial six-month introductory period of employment. During this time an individual is considered to be working toward permanent employment status. This introductory period is a time for becoming familiar with TMD's mission; getting to know fellow employees and supervisors; and learning the tasks involved in the job. At the conclusion of the six-month period, if the employee has performed satisfactorily, he or she will no longer be considered an introductory status employee. Completion of the introductory period does not guarantee continued employment and does not change the at-will nature of the employment relationship.

1.3. WORK HOURS.

a. Except as provided in this manual, standard work hours for TMD state employees are 8:00 to 5:00 p.m., Monday through Friday.

b. A supervisor may approve compressed/flexible work schedules for an employee for hours other than 8:00 a.m. to 5:00 p.m. Monday through Friday, in accordance with the TMD workweek policy. However, each supervisor must ensure that sufficient staff is present to conduct business during standard work hours. A supervisor may return the employee to standard hours at any time to address departmental workload or the employee's abuse of his or her approved compressed/flexible schedule.

c. An employee seeking approval of a compressed/flexible work schedule must complete the *TMD OSA HR Form 4-02, Work Schedule Request Form* (see Appendix 1) and submit it to his/her supervisor for approval. The approved form must be forwarded to State Human Resources to update the work schedule in CAPPs and be filed in the employee's personnel records.

1.4. LUNCH TIME.

a. Employees who work longer than four (4) hours per day are provided an unpaid one-hour lunch. A shorter lunch period may be permitted under a flex work schedule. Lunch periods are varied depending on the needs in the work area. An employee and his/her supervisor should determine a lunch period schedule that works for the employee and department, based on the needs of the department. As a general rule, the lunch period is not intended to be taken at the start or end of the day.

b. Non-exempt employees under the Fair Labor Standards Act (FLSA) are expected to take the full allotted time for lunch. FLSA non-exempt employees shall not perform any work during regularly scheduled lunch periods, unless specifically requested or authorized to do so by a supervisor or manager. In that event, the employee's lunch period will be rescheduled.

c. Employees are expected to return to work on time at the end of their designated lunch period, unless other arrangements are approved by their supervisor.

1.5. BREAKS/REST PERIODS.

a. Employees may take two fifteen-minute breaks (rest periods) each day. These breaks will be scheduled in mid-morning and mid-afternoon. The scheduling of all breaks is subject to the supervisor's discretion, based on the staffing needs at the time. Employees working in an area where breaks are not directly assigned must coordinate breaks with co-workers to maintain adequate coverage at all times. Employees are expected to return to work on time at the end of any break.

b. Breaks are not intended to be:

- (1) Accumulated from day to day (if not taken, the time is lost);
- (2) Combined with other time off;
- (3) Used to cover late arrival or early departure from work;
- (4) Added to your lunch hour; or
- (5) Combined into one 30-minute break.

c. Supervisors may ask employees to change or postpone breaks in order to finish a particular task or project.

1.6. DRESS CODE.

a. It is the policy of the Adjutant General that all employees dress in an appropriate manner for the job being performed and that they adhere to appropriate appearance and grooming standards. Supervisors have the authority to determine what is appropriate. Regardless of the job assignment, any attire that is of extreme design, revealing in nature or that conveys a message of a derogatory or offensive nature, either through language, logos, or symbols, is strictly prohibited. As representatives of this agency, proper dress and grooming are essential to project a positive image. In addition to the guidelines below, employees must comply with any additional guidance provided by the Adjutant General or designee.

b. Attire.

(1) Employees in highly visible positions, or those who have daily contact with the public, and/or senior management must dress in appropriate business attire.

(2) Employees may wear casual business attire appropriate for the task being performed. However, all attire must conform to the minimum standards described in this policy.

(3) Employees performing physical training (PT) may wear appropriate exercise clothing, however, they must change to the appropriate attire before returning to work. An employee may not work in the office during regular office hours while dressed in PT clothing.

(4) Employees performing yard details, clean-up details, physical labor in enclosed areas, etc., may wear clothing as directed by the person in charge of the detail. However, they must not visit other offices or buildings not connected with these duties.

c. Appearance. All employees must maintain an appropriate appearance. Clothing must be always in good repair and neat.

d. Grooming. All employees should be well groomed. An employee may have facial hair provided it is neatly trimmed and well groomed.

e. Reasonable Accommodation of Religious Beliefs. TMD recognizes the importance of individually held religious beliefs to persons within its workforce. TMD will reasonably accommodate a staff member's religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship. Accommodation of religious beliefs in terms of attire may be difficult in light when considering safety issues for staff members. Those requesting a workplace attire accommodation based on religious beliefs should be referred to State Human Resources.

f. Addressing workplace attire and hygiene problems.

(1) Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor. If a staff member comes to work in inappropriate dress, he or she will be required to go home, change into conforming attire or properly groom, and return to work.

(2) If a staff member’s poor hygiene or use of too much perfume/cologne is an issue, the supervisor should discuss the problem with the staff member in private and should point out the specific areas to be corrected. If the problem persists, supervisors should follow the normal corrective action process.

g. Casual or Dress-Down Days. Departments that adopt casual or dress-down days must use the following guidelines to define appropriate casual attire. Refer to the table below for appropriate vs., inappropriate casual attire:

Appropriate	Inappropriate
<p>Slacks</p> <ul style="list-style-type: none"> • Khakis or corduroys • Jeans (must be clean and free of rips, tears and fraying; may not be excessively tight or revealing) • Skorts, capris 	<p>Slacks</p> <ul style="list-style-type: none"> • Sweatpants, leggings, exercise wear • Shorts, low-rise or hip-hugger pants or jeans
<p>Shirts</p> <ul style="list-style-type: none"> • Polo collar knit or golf shirts • Oxford shirts • Company logo wear • Short-sleeved blouses or shirts • Turtlenecks • Blazers or sport coats • Jackets or sweaters 	<p>Shirts</p> <ul style="list-style-type: none"> • Shirts with writing (other than company logo) • T-shirts or sweatshirts • Beachwear • Sleeveless blouses or shirts • Exercise wear • Crop tops, clothing showing midriffs, spaghetti straps
<p>Shoes</p> <ul style="list-style-type: none"> • Boating or deck shoes, moccasins • Casual, low-heel, open-back, or open toe shoes, sandals (e.g., mules, sling backs) 	<p>Shoes</p> <ul style="list-style-type: none"> • Thongs, flip-flops • Athletic shoes, tennis shoes, Croc-like sandals

h. Supplementation. Local supplementation of this policy, by directors managing programs with specific dress or uniform requirements related to the position or job functions is authorized. However, supplementation must not detract from the intent of this policy and must be published in written form. A copy of any approved program specific dress code for state employees must be provided to the State Human Resources Office.

1.7. WORKPLACE CONDUCT.

Every employee is a representative of TMD and is expected to carry out his/her responsibilities and interact professionally with others. While it is recognized that some disagreements or differences of opinion may arise as we manage our day-to-day responsibilities, every TMD employee is expected to treat others in the workplace with respect, courtesy, fairness and dignity. This means, but is not limited to, the following:

a. WATCH YOUR LANGUAGE. Profanity, offensive language, threats (including jokes about violence) or provoking gestures directed at subordinates, fellow employees, or supervisors goes against

TMD principles for a work environment free from harassment, intimidation and insubordination.

b. BE RESPECTFUL, COURTEOUS, AND PROFESSIONAL AT ALL TIMES. If there is a conflict, do not get personal in your remarks.

c. DO NOT ARGUE WITH YOUR SUPERVISOR(S). You may respectfully disagree with your supervisor, and in this case your supervisor should hear you out.

d. RESPECT WHAT IS TOLD TO YOU IN CONFIDENCE. If there is a work-related reason for TMD to be aware of sensitive information, it should be shared only on a “need to know basis” with a manager or State Human Resources (in other words, do not gossip about it).

e. ADDRESS GRIEVANCES OR CONCERNS THROUGH PROPER CHANNELS. Issues should be raised in good faith through the employee’s chain of command if possible; but may be presented to other TMD management or to State Human Resources. Grievances should be dealt with promptly and fairly.

f. RETALIATION IS STRICTLY PROHIBITED. It violates TMD policy for any employee to retaliate against another for seeking to address grievances or concerns.

1.8. EMPLOYEE DATING POLICY.

a. TMD strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business, enhancing productivity, and is consistent with Department values. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours and within the working environment.

b. Individuals in supervisory or managerial roles, and those in other positions of authority in the workplace, are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to affect the terms and conditions of employment of individuals in subordinate positions. This policy does not preclude or interfere with the rights of employees protected by any applicable statute concerning the employment relationship; and establishes the following guidelines:

(1) During working time and in working areas, employees are expected to conduct themselves in an appropriate workplace manner that does not interfere with others or with overall productivity.

(2) During non-work time, such as lunches, breaks, and before and after work, employees engaging in personal exchanges in non-work areas should observe an appropriate workplace manner to avoid offending other workers or putting others in an uncomfortable position.

(3) Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on TMD premises, whether during working hours or not.

(4) Employees who allow personal relationships with co-workers to adversely affect the work environment will be subject to the appropriate provisions of TMD's disciplinary policy, including counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.

(5) Employee off-duty conduct is generally regarded as private, as long as such conduct does not adversely impact the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.

(6) Any supervisor, manager, executive or other agency official in a sensitive or influential position with TMD must disclose the existence of a romantic or sexual relationship with another co-worker. Disclosure will be made to the immediate supervisor or the Director of State Human Resources. This disclosure will enable TMD to determine whether any conflict of interest exists.

(7) When a conflict-of-interest problem or potential risk is identified, TMD will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure the parties no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions and financial transactions are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage. In some cases, other measures may be necessary, such as transfer to other positions or departments. If one or both parties refuse to accept a reasonable solution or an offer of alternative position, if available, such refusal will be deemed a voluntary resignation.

(8) Failure to cooperate with TMD to resolve a conflict or problem caused by a romantic or sexual relationship between co-workers or among managers, supervisors or others in positions of authority over another employee in a mutually agreeable fashion may be deemed insubordination and cause for immediate termination. The disciplinary policy of TMD will be followed to ensure fairness and consistency before any such extreme measures are taken.

(9) The provisions of this policy apply regardless of the sexual orientation of the parties involved.

(10) Where doubts exist as to the specific meaning of the terms used above, employees should make judgments based on the overall spirit and intent of this policy.

(11) Any concerns about the administration of this policy should be addressed to the Director of State Human Resources.

1.9. PAY PERIOD.

Pay period is based on the calendar month. Payday is the first working day of the month following the pay period. New employees who begin employment after the fifteenth of the month, and employees in leave without pay (LWOP) status for a portion of the month who are placed on supplemental payroll, will generally be paid by the tenth calendar day of the following month.

1.10. COMMON ACCESS CARD (CAC).

a. The Common Access Card (CAC) is the standard identification card for active-duty uniformed service personnel, selected reserve, Department of Defense (DoD) civilian employees, eligible State employees and eligible contractor personnel. It is also the principal identification card used to grant physical access to secured buildings and controlled spaces, and it provides access to DoD networks and systems.

b. State employees serving in positions that require a CAC must pass a security clearance to obtain a CAC. The security clearance process involves a National Agency Check and Inquiry (NACI) and fingerprinting. This process is normally initiated at the time of hire, by completion and submission of the required forms to the Office of Personnel Management. For positions that require use of a CAC, continued employment with the agency is subject to the employee completing the requirements to obtain and retain a CAC.

1.11. USE OF STATE PROPERTY.

State property may only be used for official state purposes and should not be used for personal purposes. Any employee who misuses or makes unauthorized use of state property, including information system resources, is subject to disciplinary action up to and including termination; and, when appropriate, criminal prosecution.

a. Vehicles. State-owned or state-leased motor vehicles may be used only for official state business. The use of such vehicles to commute to and from work is acceptable if it is approved in advance by the Adjutant General. The names and job titles of these employees and the reasons for such authorization must be included in an annual report to the Office of the Governor, Legislative Reference Library, State Auditor's Office, and the Legislative Budget Board. Details on the use of State vehicles can be found at Appendix 3, *TMD Asset Management Manual 2020.01*.

b. Telephones. All long-distance calls will be made utilizing the TMD designated phone system and the employee's assigned long-distance code, if any. Incidental personal use of state telephones is permitted for local calls provided such use does not interfere with performance of duties and responsibilities. Accepting a collect call for personal use or from persons other than a current TMD employee in a travel status is prohibited and will result in disciplinary action.

c. Internet and Personal Computers. As with the telephones, personal computers and electronic mail systems are provided for business use by TMD employees, not personal use. Employees will review and sign an Acceptable Use Policy (AUP) to gain access to TMD systems; TMD AUPs are pertinent to State or Federal systems and the applicable AUP is determined by the employees' position and system(s) access requirements. The State systems AUP will be provided to employees during new employee orientation and renewed in accordance policies. The Federal systems AUP policy is published under separate guidance. The State systems AUP can be found at Appendix 2.

d. Email. A specific email policy may be published apart from this manual. Generally, however, email should be used only for legitimate state business. However, brief and occasional email messages of a

personal nature may be sent and received subject to the following:

(1) General Guidelines. Personal use of email is a privilege, not a right. Abuse of this privilege may result in appropriate disciplinary action. Employees must know that all email is recorded and stored along with the source and destination. Management has the ability and right to view employees' email. Recorded email messages are the property of the agency and therefore the property of the taxpayers of the state of Texas. Thus, they are subject to the requirements of the Texas Public Information Act and the laws applicable to state records retention. Employees should be aware that when sending an email message of a personal nature, there is always the danger of the employees' words being interpreted as official agency policy or opinion. Therefore, when an employee sends a personal email, especially if the content of the email could be interpreted as an official agency statement, the employee should use the following disclaimer at the end of the message:

“This email contains the thoughts and opinions of (employee name) and does not represent official Texas Military Department policy.”

If the content of the email contains sensitive or confidential information, the employee should use the following at the end of the message:

“This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or information contained in the message.

If you have received the message in error, please advise the sender by reply email and delete the message.”

(2) Restrictions. Personal email must not impede the conduct of state business; only incidental amounts of employee time—time periods comparable to reasonable breaks during the day—should be used to attend to personal matters. Racist, sexist, threatening, or otherwise objectionable language is strictly prohibited. E-mail shall not be used for personal monetary interests or gain. Employees shall not subscribe to mailing lists or mail services strictly for personal use. Personal email shall not cause the state to incur a direct cost in addition to the general overhead of email.

(3) Employer's Right to Access. State and federal law allow employers to monitor employee email for legitimate business purposes. Additionally, email may be subject to public access as a public record, or to legal subpoena. E-mail may be subject to audit by the Information Technology department or as directed by executive management.

e. Property Accountability. TMD employees are responsible for state property or equipment assigned to them or in their care. The use of state property or equipment for any reason other than state business is prohibited by law. Employees may be financially responsible for lost equipment and/or inventory. Details regarding the use of State property can be found at Appendix 3, *TMD State Asset Management Manual 2020.01*.

1.12. WORKPLACE OR FACILITY CLOSURES.

a. To ensure uniform and coordinated procedures for the closure of TMD offices and the treatment of state employee absences from work during periods of inclement weather and other emergencies.

(1) *Inclement weather* means weather events such as ice, sleet, hail, snow, flooding, tornado warnings, hurricanes, earthquakes or natural disasters.

(2) *Other emergency conditions* may include situations such as loss of utilities, power failures, fires, acts of terrorism, building system failures, or other similar critical situations or man-made disasters.

b. It is the policy of TMD that whenever it is determined that the health or safety of employees would be placed at risk or that conditions or events prevent performance of regular operations or services of TMD, closure of the department or a specific facility may be deemed necessary.

c. Reporting to Work. If there is no official notification of a delayed opening or closure, employees are expected to report to work on time. If an employee chooses not to report to work during inclement weather or other emergency conditions, the employee is expected to make a reasonable effort to reach his or her supervisor to discuss his or her individual circumstance. Absent an official closing of the office, an employee's absence will be charged to his or her personal annual leave, compensatory time, or will be unpaid.

d. Regardless of whether a facility is deemed to be open or closed because of inclement weather or other emergency, it is the employee's decision as to whether he or she will report to work during such conditions. Employees should use common sense and make the best assessment of the safety and practicality of the situation. An employee should report to work only if he or she knows it is possible to arrive at work safely.

e. Closing Facilities.

(1) The Adjutant General, Director of State Administration, installation commander, facility manager, or the Officer-in-Charge (hereinafter known collectively as the OIC) may determine if a closure is necessary.

(2) Inclement Weather. When determining whether closure is appropriate, the closure status of the local school districts in which facilities are located may be considered.

(4) In the event that a facility needs to be closed, it is the responsibility of the OIC or facility manager to report the facility closure and submit a request through State Human Resources to the Director of State Administration justifying the need or use of paid emergency leave for state employees affected by the closure.

(5) OICs must notify the TMD Joint Operations Center (JOC) (512) 782-5544 and State Human Resources 512-782-5133 or hr@military.texas.gov, of the date, time, and duration of the closure.

(6) OICs may direct that work is to be curtailed or that specific personnel implement a continuity of

operations plan and work remotely. The OIC determines when a weather threat has passed and at what time operations may resume. Tenants of a facility shall follow the direction of the OIC.

(7) Camp Mabry Tenants shall follow the direction of TAG or his/her designee.

f. Closure Notification.

(1) Announcements regarding agency-wide closure or reopening are communicated on the TMD public website, TMD App, through command distribution, official TMD social media, and on local news.

(2) Announcements regarding individual facility closures are communicated through facility established channels.

(3) Closure notification by email or electronic media alone does not excuse personnel from duty. Supervisors are responsible for ensuring personnel are notified of closures and when a facility will reopen.

(4) During non-duty periods where there is emerging severe weather, individuals should monitor local media, the TMD public website, TMD App and/or the official TMD social media outlets for closure information. Individuals should contact their supervisor or chain of command for guidance if no information is provided.

(5) During a period of closure, TMD personnel should monitor the official TMD website, TMD App and media outlets and maintain contact with their supervisor.

g. Treatment of Employee Absences.

(1) An employee who is on previously scheduled personal leave when the office closure, early dismissal, or delayed opening has been authorized, will be charged with such leave as scheduled.

(2) Employees who are not directly affected by the conditions warranting closure, or who are not scheduled to work during such times, shall not accrue any right to, and shall not be compensated in any manner for, any absence that may be authorized for the employees directly affected.

(3) When released during the workday or directed not to report for duty due to severe weather, each organization at a facility affected by severe weather must forward a memorandum to State Human Resources documenting the closure and requesting the applicable amount of emergency leave for state employees at the facility. The memorandum must include a roster of the state employees by name, and the dates and the number of emergency leave hours requested. The Director of State Human Resources will obtain the required approval of emergency leave from the Adjutant General or Director of State Administration.

(4) Employees granted Emergency Leave due to weather related closures shall record the approved leave hours on their CAPPS timesheet using the Time Reporting Code (TRC) EMWTG and include the reason for the leave in the comments section.

1.13. TRAVEL REIMBURSEMENT.

a. Work related travel expenses will be reimbursed as provided by law. TMD’s travel policy and procedures published separate from this manual. Generally, travel reimbursement is limited by the state and conditions and restrictions apply to it. Reimbursement rates are established by the Legislature and administered by the Comptroller of Public Accounts (CPA). All travel must be performed in conjunction with official business of the department. Employees required to travel should review TMD’s travel policy.

b. Rules common to all state agencies are published by the Comptroller of Public Accounts and posted on the CPA website under “Textravel” at <https://fm.x.cpa.texas.gov/fmx/travel/texttravel/>. Employees may be required by management to travel in order to achieve the objectives of the department. It is the employee’s responsibility to file a travel reimbursement claim in compliance with the travel rules and TMD travel policy. Failure to do so may result in delay of payment or disapproval of the claim. Filing a fraudulent claim may result in dismissal and possible legal action. No expenditures for alcoholic beverages will be reimbursed, as this is specifically prohibited by law.

1.14. WORKPLACE SAFETY.

a. TMD is committed to workplace safety and prohibiting violence in the workplace. TMD expressly prohibits and will not tolerate statements or behavior that can be considered as direct or indirect threats to the safety of other individuals in the workplace or persons with whom the department conducts business. TMD will assume all threats of violence are legitimate, including those purportedly made in jest, and will conduct appropriate investigations.

(1) It is the policy of TMD that:

- a. All employees shall be provided with a safe, non-violent work environment.
- b. Every employee has a responsibility to report perceived or actual incidents of violence.
- c. Every report of perceived or actual incidents of violence shall be thoroughly investigated.
- d. Appropriate sanctions shall be applied to persons who violate this policy.

(2) Acts or threats of violence that are prohibited include, but are not limited to, the following:

- a. Physical acts of violence inflicted on other people, including assault and battery, homicide, attempted homicide, and rape;
- b. Written or verbal threats of violence;
- c. Threatening conduct, such as harassing or intimidating others, displaying intense anger, and showing off or actually brandishing a weapon or item which could be used as a weapon;
- d. Bomb threats;

e. Deliberate destruction of equipment and property, including arson; and

f. Other actions that communicate a direct or indirect threat of physical or psychological harm.

b. Reporting Procedures. In the event of a perceived or actual incident of violence, an employee should immediately call 911 then promptly report the incident(s) to a member of the management team or facility security guard if available.

c. Responsibilities. The State Safety or Risk Management Officer has the responsibility for:

(1) Developing an action plan for identifying preventive measures to promote a safer work environment;

(2) Developing specific actions to take in the event of a violent incident; and

(3) Educating managers and staff regarding workplace violence, including early warning signs of potentially violent behavior, procedures for reporting incidents, and steps to be followed in responding to and investigating an incident of workplace violence.

d. Searches. TMD management has the right to search work areas when determined necessary.

e. Confidentiality. TMD recognizes the sensitive nature of reporting threats or acts of violence. Information disclosed in connection with a report shall, to the greatest extent possible, remain confidential. The purpose of this provision is to protect the confidentiality of the reporting employee, to encourage the reporting of any incidents, and to protect the reputation of any employee wrongfully accused. However, this provision should not be construed as limiting the ability of the department to confer with the parties or witnesses, to report incidents to law enforcement agencies, or to disclose information to fully investigate and resolve the incident.

f. Retaliation Prohibited. It is the policy of TMD that employees are not subjected to discrimination or retaliation for reporting acts or threats of violence, when such reporting is made in good faith and with a reasonable belief.

g. Verified Report. Any employee who commits an act of violence in the workplace will be subject to disciplinary action possible criminal action, or both. Disciplinary action may include, but is not limited to, removal from the workplace, formal reprimand, demotion, reassignment or termination of employment, depending on the circumstances of the case.

h. Vehicle and Traffic Safety. TMD employees who drive state vehicles must also comply with all established requirements outlined in *TMD Asset Management Manual 2020.01* which can be found at Appendix 3. The following is applicable to all TMD employees who drive a personal, state-owned or rental vehicle while conducting official state business:

(1) Employees must have a current Texas driver's license.

(2) All occupants are expected to use safety belts while the vehicle is in motion.

(3) All speed limits must be observed, and speed should be reduced to a safe driving speed during inclement weather.

(4) Drivers should use good defensive driving techniques.

(5) Employees should never drive while under the influence of alcohol or illegal drugs. Further, employees must not drive while taking medications(s) that cause drowsiness or while their poor health conditions could endanger their life or the lives of others.

(6) Drivers are representatives of TMD and are expected to drive courteously.

(7) It is the responsibility of the employee to pay traffic violations, including parking tickets.

(8) Failure to resolve traffic citations may result in disciplinary action.

(9) TMD employees who drive state vehicles must also comply with any established training requirements.

(10) In the event of a traffic accident while conducting official state business, employees:

a. May provide reasonable aid and assistance to an injured person if it will not put the employee's personal safety at risk;

b. Should immediately report the accident to the local police or highway patrol;

c. Should make no comment or statement regarding possible fault other than that required by law enforcement officers; and

d. Should report the traffic accident within twenty-four hours to the Workers' Compensation Claims Coordinator in State Human Resources and the OSA Asset Manager.

1.15. PERSONAL INFORMATION UPDATES.

Employees should regularly update the following information with State Human Resources, the Centralized Accounting and Payroll/Personnel System (CAPPS) and/or the Employees Retirement System that may impact benefits or payroll status:

a. Change in home address or telephone number;

b. Change in marital status or in the number of dependents;

c. Change of insurance beneficiary;

d. Change in the number of exemptions claimed for income tax purposes;

- e. Change in driving record or status of driver's license if the employee operates any TMD vehicles;
- f. Legal change of name; and
- g. Change in emergency contact information.

1.16. ALTERNATIVE DISPUTE RESOLUTION POLICY.

TMD encourages the fair and expeditious resolution of all disputes, and the department may engage in alternative dispute resolution procedures when it is appropriate for the dispute. If alternative dispute resolution procedures are utilized, TMD will be guided by Texas Government Code Chapter 2009. In addition, TMD will, to the extent possible, utilize the model dispute resolution procedures developed by the State Office of Administrative Hearings. The Director of State Human Resources will serve as TMD's alternative dispute resolution coordinator.

1.17. LACTATION POLICY.

a. An employee of the department has the right to express breast milk while at work. An employee may have up to 20 minutes during each half of the working day to express breast milk. TMD will provide a place free from intrusion where an employee can express milk. General responsibilities under this lactation policy include:

(1) TMD Responsibilities. TMD will upon request provide a private room for employees to express milk in reasonable proximity to the employee's work area. This room will lock and have an electrical outlet. Employees who have private offices may use their office to express milk. Agency restrooms and kitchens may be used for cleaning equipment and supplies.

(2) Employee Responsibilities.

a. Employees who wish to express milk during the workday must contact their supervisor or State Human Resources to coordinate the use of a designated private room.

b. Employees must coordinate with their supervisors as needed so they can work together to satisfy the needs of both the employee and the agency.

c. Employees must provide their own equipment and supplies for milk expression.

d. Employees are responsible for keeping the designated milk expression room clean and sanitary for the next user.

e. Each employee is responsible for proper storage of expressed milk using available agency refrigerators or personal storage coolers.

1.18. OPEN DOOR POLICY.

a. TMD recognizes that employees may have suggestions for improving the workplace, as well as possible complaints about the workplace. The most satisfactory solution to a job-related problem or concern is usually reached through a prompt discussion with the employee's supervisor. Employees should feel free to contact their supervisor with any suggestions and/or complaints.

b. If an employee does not feel comfortable contacting his/her supervisor, or is not satisfied with the supervisor's response, the employee may contact another appropriate member of management or State Human Resources. State Human Resources will assist employees with identifying an employee's chain of command upon request.

c. Senior leaders may ask employees to demonstrate they have exhausted their chain of command before meeting with or responding to employee suggestions or complaints.

d. Not every complaint may be resolved to the employee's complete satisfaction, despite efforts to do so. However, TMD believes that open communication is essential to a successful work environment and all employees should feel free to raise issues of concern without fear of reprisal. Refer to Chapter 6 of this manual for information about complaint procedures.

Employment Practices

Revised: 09/01/2023

2.1. EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY.

a. TMD is an equal opportunity employer. TMD values diversity and strives to provide an environment free of discrimination, offensive behavior, and harassment. TMD prohibits discrimination and harassment of any type and offers equal employment opportunities to employees and applicants, without regard to the following protected categories:

- Race
- Color
- National origin
- Sex (including pregnancy, childbirth and related conditions, sexual orientation, and gender identity)
- Religion
- Age
- Genetic information
- Status as an individual with a disability or protected veteran

b. All employment practices (e.g., recruitment, hiring, promotions, transfers, reassignments, training, evaluation, benefits, and separations), services, programs, and activities will be free of discrimination. TMD does not discriminate or retaliate against any individual who exercises their rights granted or protected by federal and/or state law. TMD does not discriminate against a hair texture or protective hairstyle commonly or historically associated with race. It is TMD policy to follow all relevant federal and state employment laws.

2.2. HARASSMENT FREE WORKPLACE POLICY.

a. Harassment is defined as an act or communication intended to harass, intimidate, humiliate, or demean an individual based on the protected categories listed above. It is illegal to create a hostile work environment for employees. In a hostile environment, employees are subjected to offensive comments or behaviors that interferes with work performance.

b. Examples of harassment include, but are not limited to, the following inappropriate behavior:

- (1) Verbal conduct including threats, epithets, derogatory comments or slurs;
- (2) Visual conduct including derogatory posters, photography, cartoons, drawings or gestures;
- (3) Physical conduct including assault, unwanted touching or blocking normal movement; and
- (4) Retaliation for making harassment reports or threatening to report harassment.

c. This anti-harassment policy covers multiple venues including but not limited to regular work areas, alternate work locations, business travel, off-site training and work related social events.

2.3. SEXUAL HARASSMENT POLICY.

a. Sexual harassment is a form of gender discrimination that is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. These acts constitute sexual harassment when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

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

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

b. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcomed, personally offensive, results in low morale, or that is so severe or pervasive that it interferes with work effectiveness. Sexual harassment is categorized into two types:

(1) "Quid pro quo" – a Latin term meaning "this for that." This term refers to the conditions placed on a person's career or terms of employment in return for favors of a sexual nature. Examples include but are not limited to:

a. Demanding sexual favors in exchange for a promotion or disciplining a subordinate who refuses sexual advances;

b. Making or threatening reprisals after negative responses to sexual advances;

c. Visual Conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters;

d. Verbal Conduct: making or using derogatory comments, epithets, slurs, and sexually explicit jokes, comments about an employee's body or dress;

e. Verbal sexual advances or propositions;

f. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations;

g. Physical conduct: touching, assault, impeding or blocking movements; or

h. Retaliation for making harassment reports or threatening to report harassment.

(2) Hostile environment – A hostile environment occurs when employees are subjected to offensive, unwanted or unsolicited comments, or behaviors of a sexual nature that interferes with work performance.

a. While not as obvious as “quid pro quo”, this typically includes nonviolent, gender-biased sexual behaviors that are intentional and/or repeated.

b. Examples include unwelcome verbal comments, gestures, or physical contact of a sexual nature.

c. Any person in a supervisory or leadership position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of another employee or applicant is engaging in this type of sexual harassment.

d. TMD recognizes the sensitive nature of complaints concerning sexual harassment.

e. TMD will make every reasonable effort to maintain confidentiality while launching an investigation into each complaint using any available resources.

f. This policy also protects employees from harassment by vendors, contractors, or volunteers. If harassment occurs on the job by someone not employed by TMD, the complaint procedures in Chapter 6 should be followed.

2.4. DISABILITY ACCOMMODATIONS.

a. In accordance with the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008 (ADAAA), reasonable accommodation will be provided to individuals with a known physical or mental disability if such accommodation would not impose an undue hardship on the department and would enable the (qualified employee or applicant) to apply for, or perform, the essential functions of the job in question. An individual with a disability is a person who:

(1) Has a physical or mental impairment that substantially limits one or more major life activities;
or

(2) Has a record of such an impairment; or

(3) Is regarded as having such an impairment.

b. Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should notify the ADA Coordinator in State Human Resources and request such accommodation. TMD will then identify possible accommodations, if any, that will help to eliminate the limitation or barrier. The individual is encouraged to fully cooperate with TMD in seeking and evaluating alternatives and accommodations. TMD may require medical verification of both the disability and the need for accommodations.

c. Reasonable Workplace Accommodation Procedures.

(1) The reasonable accommodation process is initiated when a qualified employee or applicant indicates the need for an adjustment or a change at work or in the application process for a reason related

to a medical condition.

(2) The individual or his/her representative, must notify the department of the need for an adjustment or change at work for a reason related to a medical condition either orally or in writing. Plain language may be used and need not mention the ADA or use the phrase "reasonable accommodation." Individuals are required to complete *TMD OSA HR Form 2-01, Request for Reasonable Accommodation State Employee Form*, (see Appendix 1). If an oral request is received, the department will initiate the reasonable accommodation process while waiting for the individual to complete the necessary forms. However, any required forms must be completed prior to a decision on the accommodation.

(3) A family member, health professional, or other representative may request a reasonable accommodation on behalf of the individual with a disability. The need for a reasonable accommodation should subsequently be confirmed by the person with a disability.

(4) The ADA Coordinator will work with the employee and his/her supervisor to evaluate the requested accommodation, including possible alternatives. Each reasonable accommodation request will be considered on a case-by- case basis. TMD will strive to respond to a request for a reasonable accommodation. If there is a need to engage in the interactive process, this will proceed. TMD will provide for an accommodation absent undue hardship. Any denial of a request for accommodation will be done in writing and state the determining factors for denying the request.

(5) The ADA Coordinator or designee will confer with the employee to determine the need for continuance of the workplace accommodation as needed.

(6) For assistance regarding possible accommodations, please contact the State Human Resources ADA Coordinator.

d. Medical Information.

(1) If an individual requests a reasonable accommodation, and the disability or need for the accommodation is not obvious or already known, the requester must provide relevant medical information related to the disability and the requested accommodation using applicable TMD forms as appropriate.

(2) TMD may request additional medical information if the initial medical information did not:

a. Clearly explain the nature of the disability or the need for a reasonable accommodation;
and/or

b. Clarify how the reasonable accommodation will assist the employee in performing essential functions of the job or aide in the enjoyment of the benefits and privileges of the workplace.

(3) TMD may choose to select an Occupational Health provider or a medical expert to review medical information provided by an employee or job applicant. The cost of this medical review will be paid by TMD.

(4) Medical information may be requested. Employees will be provided with *TMD OSA HR Form 2-02, TMD ADA Accommodation – Medical Inquiry Form* (see Appendix 1), which must be completed by the employee’s health care provider. TMD will keep all medical information confidential. Medical information will only be shared on a need-to-know basis to make decisions regarding the requested accommodation.

(5) All medical information collected during the reasonable accommodation process will be maintained in State Human Resources, in a separate file apart from the individual’s personnel file.

e. Temporary Duties. If an employee is certified by a health care provider to return to work, but in less than full duty status, TMD may provide temporary duties to the employee as an accommodation. Directors and managers are responsible for identifying temporary duties to facilitate return to work while considering the business necessity of filling the employee's position, the employee's entitlement to FMLA leave, the availability of temporary duties, and other appropriate factors. These temporary duties must be coordinated with the ADA or FMLA Coordinator in State Human Resources.

f. Assistance. An employee who wants assistance concerning accommodation of a disability or a life-threatening illness should contact State Human Resources.

g. ADA Complaint Procedures. TMD has established the following internal grievance procedures to provide for the prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act (ADA). Title II states, in part, that “no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any public entity.”

(1) A qualified individual with a disability who alleges any violation of the ADA may file a written or verbal complaint with the following:

Texas Military Department
Office of State Administration (OSA)
State Human Resources
2200 West 35th Street, Building #11
Austin, Texas 78703
Phone:
(512) 782-5133 (voice) or (512) 374-0299 (fax)
1-800-RELAY-TX (TDD)

Mailing Address:
P.O. Box 5128
Austin, TX 78763-5218

(2) A complaint should be filed with the ADA Coordinator within 14 calendar days after the date of the most recent alleged unlawful practice or discriminatory act, or within 14 calendar days after the date the complainant was notified or became aware of the alleged violation. A complaint should contain the following information:

a. The name and address of the person filing it,

b. A description of the alleged violation of the ADA,

c. The date(s) of the alleged violation,

d. The name(s) of person(s) involved, and

e. The outcome desired.

(3) Informal Resolution.

a. Whenever possible, and in accordance with the desires of the individual filing the complaint, the matter will be resolved in an informal setting. Informal resolution may include mediation when the parties agree. Coordination may include consultation with the complainant and any other parties involved, either separately or jointly. Confidentiality during the investigation and mediation shall be maintained to the fullest extent possible as determined by the ADA Coordinator.

b. When a complaint is resolved informally, the ADA Coordinator will prepare a memorandum, no later than 30 calendar days after the filing of the complaint, detailing the action taken or that will be taken to resolve the complaint. The memorandum will contain a signed statement by the complainant. The statement will declare that the action specified in the memorandum will satisfactorily resolve the complaint and that the individual acknowledges his or her responsibility to notify the department of any recurrence of the action giving rise to the complaint.

(4) Formal Resolution.

a. If the complainant prefers formal resolution, or if the complainant is not satisfied with the informal resolution of the complaint, the ADA Coordinator or complainant may initiate formal procedures. In the formal resolution of a complaint, the ADA Coordinator may deem the following appropriate:

1. Formal written statements from all parties and witnesses to the complaint;

2. The opportunity for the ADA Coordinator and all parties to the complaint to question any party or witness to the complainant; and/or

3. The ADA Coordinator may gather any other information that may assist in the investigation and resolution of the matter.

4. A written report which sets forth findings and conclusions as to the validity of the complaint and a description of the resolution, if any, shall be issued by the ADA Coordinator, and a copy forwarded to the complainant, no later than 30 calendar days after the filing of the complaint.

(5) Request for Reconsideration. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for internal reconsideration should be made to the Director of State Human Resources within 14 calendar days after receipt of the

written report, for review by the Director of State Administration. The Director of State Administration will review the complaint and respond in writing with the department's final decision within 30 calendar days of receipt of the request for reconsideration. Based on the nature or complexity of a complaint the Director of State Administration will review written evidence and/or gather additional evidence. The decision, determination, or disposition of the Director of State Administration is final.

(6) Pursuit of Other Remedies. The right of a person to a prompt and equitable resolution of the complaint filed thereunder shall not be impaired by the person's pursuit of other remedies, such as the filing of an ADA complaint with the responsible federal or state department or agency or the obtainment of outside counsel. Use of internal agency procedures is not a prerequisite to the pursuit of other remedies, nor does it preclude the filing of an ADA complaint with the responsible federal or state department or agency.

(7) Confidentiality of Files. All files and records obtained or created during the processing of a complaint filed under this policy are strictly confidential, unless required by statute or applicable law. These files and records will be kept in separate files, and in the case of an employee, will be kept apart from his or her personnel file.

h. Retaliation Prohibited. The department shall not discriminate or retaliate against any individual who exercises his or her rights granted or protected by the ADA or the implementing regulations, or against any individual who aids or encourages any other individual in the exercise or enjoyment of his or her rights.

i. Auxiliary Aids and Services. To request assistance or an auxiliary aid or service at any time during the grievance process, or to request a copy of these grievance procedures in an alternate format, contact the ADA Coordinator.

2.5. HIV/AIDS AND AIDS-RELATED CONDITIONS.

a. It is TMD policy that employees with Human Immunodeficiency Virus (HIV)/Acquired Immunodeficiency Syndrome (AIDS) will be treated no differently than employees with other life-threatening illnesses. Employees with HIV/AIDS will be allowed to remain contributing members of the department workforce and will be provided reasonable accommodation as long as:

- (1) They are able to perform their assigned duties;
- (2) They do not pose a danger to their own health or safety or the health and safety of others; and
- (3) The request for accommodation does not impose an undue hardship on the department.

b. Any correspondence regarding the medical condition of an employee living with HIV/AIDS or related conditions will be treated confidentially as required by law. Written consent must be obtained to share any confidential information with other staff. Those with access to confidential information must maintain strict confidentiality and privacy, separating this information from employees' personnel records. Individuals who fail to protect the employees' rights, commits a serious offense, which may be

cause for litigation resulting in both civil and criminal penalties, and may result in dismissal.

c. Employees do not have the right to refuse to work with someone who has any disability, including HIV/AIDS. Employees will receive education about methods of transmission and prevention of HIV/AIDS and related conditions.

d. An employee who believes he/she has been discriminated against because of HIV/AIDS or a related condition should contact State Human Resources.

2.6. RELIGIOUS ACCOMMODATION.

TMD will reasonably accommodate the religious practices of an applicant or employee. Such accommodation may be denied if it:

- a. Is unreasonably costly or beyond budget constraints;
- b. Compromises workplace safety;
- c. Decreases workplace efficiency;
- d. Infringes on the rights of other employees; or
- e. Requires other employees to do more than their share of potentially hazardous or burdensome work.

2.7. WHISTLEBLOWER POLICY.

TMD employees are protected by the state's "Whistle-Blower Act" (WBA). The WBA prohibits suspension, termination, or other adverse employment action against a state employee who, in good faith, reports a violation of law to an appropriate law enforcement authority. (For purposes of the WBA, the term "law" includes a state or federal statute, an ordinance of a local governmental entity, or a rule adopted under a statute or ordinance.)

2.8. INTERNAL EEO COMPLAINT PROCEDURE.

a. TMD will not tolerate discrimination or harassment based on race, color, national origin, ethnicity, gender, age, disability, religion, genetic information or status as a protected veteran. All employees are entitled to communicate with and seek advice from State Human Resources. This provision for communication is not limited to face-to-face consultation. Employees can communicate with officials who are in another geographical area by email, letter, or telephone.

b. Any employee who believes that he or she has been harassed or discriminated against by a co-worker, supervisor, manager, vendor, contractor, or volunteer of TMD or who is aware of the harassment or discrimination against others should immediately provide a written or verbal report to a higher-level manager in the employee's chain of command or to the State Director of Human Resources. TMD will

endeavor to protect the privacy and confidentiality of all parties involved to the extent possible, consistent with a thorough investigation. After a report is received, a thorough and objective investigation by management will be undertaken in accordance with complaint procedures set forth in Chapter 6 of this manual.

c. Any investigation may be conducted using the Army Regulation 15-6 procedures as a general guide. https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/r15_6.pdf.

Upon completion of the investigation, a determination will be made and communicated to the employee as soon as practical. TMD expects that all employees fully cooperate with any investigation conducted by the department.

d. If TMD finds that this policy has been violated, remedial action may be taken commensurate with the severity of the offense. Appropriate action may also be taken to deter any future harassment or discrimination. If a complaint of harassment or discrimination is substantiated, appropriate disciplinary action, up to and including termination of employment, will be taken.

2.9. PROTECTION AGAINST RETALIATION.

a. Retaliation is prohibited against any person by another employee or TMD supervisor/manager for using the employee complaint procedure, reporting harassment or discrimination, or for filing, testifying, assisting, or participating in any manner in any investigation, proceeding or hearing conducted by TMD or a governmental enforcement agency.

b. Retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit. Any report of retaliatory conduct will be investigated in a thorough and objective manner. If a report of retaliation is substantiated, appropriate disciplinary action, up to and including termination of employment, will be taken.

2.10. RECRUITMENT PLAN.

a. State Human Resources assists the agency in its commitment to hiring a qualified and diverse workforce. Prior to posting a job vacancy, the hiring authority may request to meet with State Human Resources to review staffing needs and define a recruitment strategy.

b. In addition to maintaining employment practices that are non-discriminatory, TMD is committed to taking affirmative steps to ensure that equal employment opportunities are provided and consistent with applicable law. An applicant for a posted vacancy is considered based on his or her qualifications and ability to successfully perform the job. The department shall not illegally discriminate in its employment practices. Please refer to *TMD's Recruitment Plan* at Appendix 4.

2.11. WORKFORCE ANALYSIS.

a. State Human Resources calculates and tracks a quarterly summary report of TMD's state employee workforce composition. State Human Resources staff may use the workforce composition report as a tool to assess the department's objective in achieving workforce diversity.

b. TMD analyzes its current workforce to compare the numbers of individuals employed in each demographic group and job category to those in the statewide civilian workforce. The intent of this analysis is to determine the percentage of exclusion or underutilization of any demographic group by each job category within the department. State HR will continue to monitor hiring trends to ensure that new hire demographics appropriately represent the applicant pool.

c. TMD annually reports equal employment opportunity information to the Texas Workforce Commission's Civil Rights Division.

2.12. FILLING VACANCIES.

a. TMD uses several staffing and job posting methods:

(1) External Job Posting. External job vacancy announcements are open to internal and external applicants. External job vacancy announcements are posted for a minimum of 10 working days on the department's website, CAPPs Recruit and with the TWC.

(2) Internal Job Posting. Internal job vacancy announcements are posted on TMD's website for a minimum of five working days and open to TMD service members, federal and state employees only.

(3) Temporary Contract Employment. The hiring authority may contract for a temporary employee (part-time or full-time) when temporary services are needed. A position may not be filled by a temporary or contract worker for more than six months of the last 12 months, to avoid being counted against the department's limitation on state employment levels. The hiring authority shall notify State Human Resources of the request for a temporary employee and initiate the requisition process to contract through state Purchasing.

(4) Designation of Open Positions and Direct Hiring for Veterans.

a. TMD may designate an open position as a veterans' position and only accept applications for that position from individuals who are entitled to a veterans' employment preference.

b. TMD may hire or appoint for an open position on an individual entitled to a veterans' employment preference without announcing or advertising the position, if TMD:

1. Uses the Texas Workforce Commission's website, <https://www.workintexas.com>, to identify an individual who qualifies for a veterans' employment preference; and

2. Determines that the individual meets the qualifications required for the position.

(5) Internal Transfer.

a. A vacancy may be filled through an intra-division transfer and does not require a job vacancy announcement. Both the transferring and receiving directors must approve the transfer and include justification with the personnel action request for an internal transfer rather than posting the position internally.

b. An internal transfer may be a lateral move—a change in duty assignment that moves the employee to another classification title in the same salary group—or a promotion.

c. The hiring authority interested in a current employee should provide State Human Resources with a memorandum requesting the internal employee transfer. The internal transfer request involves collaboration between the employee and the current and prospective supervisors. The memorandum must include:

- Effective date;
- Justification for the transfer;
- Documentation on how the employee meets the qualifications for the position; and
- Required chain of command signatures from both supervisors involved.

d. Along with the memorandum, the hiring authority must submit a job description for the new position and *TMD OSA HR Form 3-02, Personnel Action Form*.

(6) Student Internship. State Human Resources may work with colleges and universities to coordinate student internship opportunities with the department in accordance with an internship policy or program adopted by TMD.

b. Applications for Employment. Applicants applying for a posted job vacancy must complete and submit the State of Texas Application for Employment using CAPPS Recruit system. Job vacancies are advertised on the TMD, Work-In-Texas, and CAPPS Recruit Portal. Only on-line applications are accepted. Instructions to apply for a job vacancy are on the website and on the job vacancy announcements. A separate electronic submission must be received for each position for which applicants would like to be considered. The electronic application must be received by the closing date on the job vacancy announcement.

c. Employment Eligibility. State Human Resources screens applications to ensure candidates meet the minimum qualifications stated on the job vacancy announcement. State Human Resources forwards qualified applications to the hiring authority for consideration.

(1) Former employees who left the department in good standing may be considered for re-employment.

(2) An employee who has been demoted as an adverse personnel action is not immediately eligible to be considered for the same or similar position.

(3) A former employee who has been terminated for cause is not eligible for re-employment by TMD in the same or similar position.

d. Reposting or Extending a Requisition. If a position remains vacant or the posting does not receive any ideal/quality applicants that would best fit the position, the following options are available:

(1) Request to repost: Submit a written request via email to the State HR Staffing inbox at staffinghr@military.texas.gov. If the request includes any changes to the minimum requirements, the vacancy will be reposted with a new requisition number. Changes to the salary and/or classification may require a new request to post form.

(2) Extend the requisition. Submit a written request via email to the State HR Staffing inbox at staffinghr@military.texas.gov. Include the length of time for the extension and a simple justification for the extension.

2.13. POSITION ANNOUNCEMENTS.

a. A variety of free and fee-based advertisement methods are available. The hiring authority, with approval of the program funds manager, may authorize expenditures relating to posted positions. Since the cost of advertising is paid with program funds, the hiring authority determines the most cost-effective method of recruitment within their available budget. The hiring authority must contact State Purchasing for detailed instructions on purchasing advertisements and notify State Human Resources that there will be paid advertising for the position. Potential methods of recruitment include but are not limited to:

(1) Electronic advertising.

a. TMD will post job vacancy announcements according to applicable state law and ensure that all job vacancy announcements are posted on the department's public website. The department will list external job vacancy announcements with the Texas Workforce Commission (TWC) and distribute these announcements through Work-In- Texas and USA Jobs. These employment entities disseminate information on employment opportunities to applicants statewide.

b. State Human Resources maintains and updates an electronic distribution list of organizations that may assist in meeting the department's recruitment needs. Upon request, State Human Resources will forward electronic copies of job vacancy announcements to targeted organizations.

c. Any employee may forward electronic copies of job vacancy announcements to targeted recruitment organizations and any other interested parties.

d. The hiring authority may post positions with recruiting search engines, such as Indeed or Monster.com. Before submission, State Human Resources must review advertisements for EEO compliance. The hiring authority is responsible for contacting TMD's purchasing department for detailed instructions on purchasing advertisements. State Human Resources office will maintain a copy of each advertisement in the job posting file.

(2) Newspaper and magazine advertising – For difficult to fill, specialized or high-level professional positions TMD may advertise in newspapers, magazines and journals, including periodicals. State Human Resources can assist with identifying appropriate publications. State Human Resources must review advertisements for EEO compliance before submission. State Human Resources will maintain a copy of each advertisement in the appropriate job posting file. The hiring authority is responsible for contacting TMD’s purchasing department for detailed instructions on purchasing advertisements.

(3) Job fairs and community outreach.

a. State Human Resources may participate in various outreach programs and attend meetings of organizations that may assist the department’s recruitment of a diverse workforce.

b. TMD’s subject matter experts, State Human Resources staff, and other department representatives may attend job fairs at colleges and universities and at other local community job fair events.

(4) University and college recruiting.

a. State Human Resources may participate in career days and on-campus recruiting, particularly with institutions that predominantly serve women and minorities.

b. Students currently enrolled in a college or university may visit and tour TMD’s operations at Camp Mabry to further their knowledge about the department and to spark interest in potential employment. Students may contact State Human Resources for tour information.

(5) Employment search firms. The hiring authority may (subject to availability of funds) retain an agency search firm to recruit difficult to fill, specialized or high-level professional positions. State Human Resources may assist with selecting an appropriate recruiting firm. The hiring authority is responsible for contacting state Purchasing for detailed instructions on retaining a search firm.

(6) Outreach to Veterans with Disabilities. TMD encourages veterans with disabilities to apply for positions with the agency. The department provides information to the Veterans Employment Center and utilizes the U.S. Department of Labor’s Veterans’ Employment and Training Service.

2.14. MILITARY OCCUPATIONAL SPECIALTY CODES.

Texas law requires state agencies to include applicable Military Occupational Specialty (MOS) codes from each branch of the U.S. Armed Forces on all forms and notices related to job postings. The State Auditor’s Office is responsible to identify and maintain the MOS codes that correspond to each position in the State’s Position Classification Plan. Information about the State Auditor’s Office’s Military Crosswalk at <http://www.hr.sao.texas.gov/Compensation/MilitaryCrosswalk/MilitaryCrosswalkGuide.pdf> TMD includes the MOS codes on all employment vacancy forms and notices that most appropriately reflect the job responsibilities of the vacant position.

2.15. HIRING PROCEDURES.

a. TMD takes pride in and is committed to hiring the most qualified individuals to fill positions that contribute to the department's mission, vision, and philosophy. Recruiting and hiring is based on the department's business needs. Generally, any vacancy, or newly created or supervisory position, will be posted (internally or externally). Exceptions for good cause may be approved by the Director of State Administration. Recruitment, selection, and promotion are based on objective job-related criteria and in compliance with state and federal law. The hiring process includes:

- (1) Request to post;
- (2) Job vacancy announcement;
- (3) Recruitment;
- (4) Application for employment;
- (5) Physical Ability Test (for Security Officers);
- (6) Interview and Candidate Selection;
- (7) Background check (if applicable); and
- (8) References checks.

b. TMD is an equal employment opportunity (EEO) employer and does not discriminate based on race, color, national origin, sex, religion, age, genetic information, or status as an individual with a disability or protected veteran in its hiring and recruitment process.

c. Hiring Authorization. All offers of employment will be made by State Human Resources. No individual is to be advised to begin working as a TMD state employee until he or she has been formally approved and the formal job offer has been made by a State Human Resources representative. Other employees involved in the hiring process are not authorized to make any statements providing any assurance of future employment to prospective employees. No job offer will be made until the appropriate approvals have been obtained.

d. Job Posting Process.

(1) Posting of all vacancies will be in compliance with state law. Job posting requisition requests will be submitted through State Human Resources using *TMD OSA HR Form 2-03, TMD Request to Post a Job Vacancy Form* (see Appendix 1). State Human Resources office will post the requisition through the CAPPS Recruit.

(2) A vacancy that is filled through an intra-office promotion or transfer does not require posting. The vacancy that results from the promotion or transfer is the position that must be posted.

(3) Notice of vacant positions will be posted on the TMD website under the TMD jobs link: <https://tmd.texas.gov/tmd-jobs>. TMD employees are required to submit a State of Texas application through the CAPPs Recruit portal to be considered for an advertised position. For posted job vacancies, the pre-selection of an individual prior to completion of the interview and hiring process is inconsistent with an open, fair and competitive process, and is therefore not permissible.

2.16. MILITARY EMPLOYMENT PREFERENCE.

a. An individual who qualifies for a military employment preference is entitled to an employment preference over other applicants who are not more qualified for the same position. Preference is applied to identify the top candidate when two or more candidates are equally qualified for a posted job vacancy.

b. Individuals qualified for Military Employment Preference (in order of preference):

(1) a veteran with a disability;

(2) a veteran;

(3) the spouse of a member of the United States armed forces or Texas National Guard serving on active duty, or the spouse of a veteran if the spouse is the primary source of income for the household and the veteran has a total disability rating based either on having a service-connected disability with a disability rating of at least 70 percent or on individual unemployability.

(4) a veteran's surviving spouse who has not remarried; and

(5) an orphan of a veteran if the veteran was killed while on active duty;

c. "Veteran" means a person who:

(1) has served in:

a. The Army, Navy, Air Force, Coast Guard, or Marine Corps of the United States or the United States Public Health Service under 42 U.S.C. Section 201 et seq., as amended;

b. The Texas Military Forces as defined by Section 437.001; or

c. An auxiliary service of one of those branches of the armed forces; and

(2) Has been honorably discharged from the branch of the service in which the person served.

(3) Is competent.

d. A veteran's surviving spouse who has not remarried or an orphan of a veteran qualifies for a military employment preference if all the following conditions are met:

- (1) The veteran was killed while on active duty; and
- (2) The spouse or orphan is competent.

2.17. MILITARY EMPLOYMENT PREFERENCE IN APPLICANT SCREENING.

A military employment preference is applied for qualified individuals during the application screening process, and a specified minimum number of individuals qualified for a military employment preference will be interviewed for each announced open position. TMD has designated a veterans' liaison within State Human Resources to assist applicants.

2.18. ADJUTANT GENERAL APPOINTMENT.

The Adjutant General (only), as determined appropriate and with available funds, may appoint full-time employees of the department, traditional National Guard members, State Guard volunteers, or federal employees as authorized under Section 437.059 of the Texas Government Code.

2.19. ADJUTANT GENERAL HIRE OF SERVICE MEMBERS FOR EXTENDED STATE ACTIVE DUTY.

The Adjutant General may, in accordance with established guidelines, hire service members of the Texas Military Forces to fill state military positions with the department as authorized by the General Appropriations Act, as authorized under Section 437.2121 of the Texas Government Code. A service member hired under this section is on extended State Active Duty service and is required to retain Texas Military Forces membership as a condition of employment.

2.20. FORMER FOSTER CHILDREN PREFERENCE.

An individual who was under the permanent managing conservatorship of the Department of Family and Protective Services on the day preceding the individual's 18th birthday and is under the age of 25 is entitled to a preference in employment over other applicants for the same position who are not more qualified.

2.21. REFERENCES FOR FORMER/CURRENT EMPLOYEES.

a. State Human Resource will provide reference information for current or former employees. It is TMD policy that State Human Resources only provide information regarding an individual's position, title, salary, and dates of employment. State Human Resources may provide further employment information if the current or former employee provides written consent regarding its release.

b. If an individual provides the name of a current employee as a personal reference on his or her behalf, that current employee should direct all questions regarding job performance, to State HR.

2.22. CRIMINAL HISTORY CHECKS.

TMD requires criminal history checks on individuals seeking employment with the ChalleNGe, Starbase Academies or in a Security Officer position. Consistent with statutory authority, criminal history checks may be determined necessary for other positions. Applicants receive information regarding this process from the State Human Resource department during the hiring process. (Tex. Gov't Code §411.121)

2.23. LIMITED DRUG TESTING.

In accordance with specific program requirements, some TMD employees (e.g., Starbase, ChalleNGe, and Security Officers) may be subject to drug testing as provided by applicable policy and procedures adopted separate from this manual.

2.24. E-VERIFY.

a. TMD employees are subject to the E-Verify program. E-Verify is an electronic program through which employers verify the identity and employment eligibility of their employees after hire. The program was authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). In short, employers submit information taken from a new hire's Form I-9 (Employment Eligibility Verification Form) through E-Verify to the Social Security Administration and U.S. Citizenship and Immigration Services (USCIS) to determine whether the information matches government records and whether the new hire is authorized to work in the United States.

b. E-Verify is administered by the U.S. Department of Homeland Security, USCIS, Verification Division, and the Social Security Administration.

2.25. RETURNING SERVICE MEMBERS.

a. A state employee who is:

(1) A member of the state military forces, a reserve component of the U.S. Armed Forces, or a member of a state or federally authorized urban search and rescue team; and

(2) Ordered to federal duty by the proper authority is entitled, when relieved from duty, to be restored to the position that the employee held when ordered to duty or to a position of similar seniority, status, and pay. USERRA requires that reasonable efforts (such as training or retraining) be made to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment.

b. Under state and federal law, to be eligible for reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions no later than five years after induction, enlistment, or call to duty. In addition, under state law, the employee must be physically and mentally qualified to perform the duties of the job. If an employee is unable to perform the duties of the previous job due to a service-related disability, the veteran is entitled to be restored to a position that he or she can perform with similar or nearest possible seniority, status, and pay.

c. Veterans whose employment has been restored may not be dismissed without cause within a year of their reinstatement.

d. Applications for Reemployment. Under state law, eligible veterans must apply for reinstatement within 90 days after discharge or release from service. The application must be made in writing to the head of the state agency and must include evidence of discharge under honorable conditions.

e. Entitlement to Retirement or Other Benefits. An individual reemployed is considered to have been on furlough or leave of absence during the time that the individual was in military service. As such, the employee may participate in retirement or other benefits to which a public employee is or may be entitled.

2.26. PERSONNEL RECORDS.

TMD will maintain personnel records in individual employee personnel files. Such personnel files will contain all personnel documentation relative to the individual employee. The official personnel files shall be maintained by State Human Resources. Documentation created by supervisors that is intended to be part of employee's official personnel file must be forwarded to State Human Resources.

a. Confidentiality. Personnel files are confidential unless the department is required to reveal documents in such files pursuant to state or federal laws and regulations. Employee information such as name, title, sex, ethnic background, salary, and dates of employment are specifically made public under the Texas Public Information Act (TPIA).

b. Persons Who May Be Granted Access.

(1) Employee (or a representative that has been designated in writing);

(2) Adjutant General, Director of State Administration, and the Director of State Human Resources;

(3) Supervisors responsible for the work of the employee, when the State Director of Human Resources determines access is necessary and in the best interest of the department;

(4) Other supervisory or management-level employees with a legitimate interest who have the permission of the Adjutant General or his/her designated representative. (The State Director of Human Resources may require written approval for access.);

(5) State Human Resources employees in the course of their duties in the department;

(6) Internal auditors in the course of their duties in the department;

(7) A representative of a public agency with the statutory authority to examine personnel records; or

(8) Any person pursuant to court rules or a court order authorizing inspection of the entire file or portions of the file.

c. Employee Home Address, Phone Number, SSN, and Family or Emergency Contact Information. Each employee has the choice under the TPIA to allow or disallow public access to their home address, telephone number, social security number, information that reveals if the employee has family members, and emergency contact information. Upon employment with the department, each employee will be asked to make this choice. If the employee fails to make a choice, the information will be considered public information with the following exceptions in accordance with Section 552.117 of the TPIA which identifies as confidential and automatically protects:

(1) Peace officers

(2) Security officers

(3) Former employees of Texas Department of Criminal Justice (TDCJ), Office of the Attorney General (OAG), Texas Juvenile Justice Department (TJJD), Texas Civil Commitment office, and

(4) Current and former members of the U.S. Army, Navy, Air Force, Coast Guard, Marines and/or Texas Military Forces. An employee may request at any time that access to such information be opened or closed.

d. Emergency Contact Information. Each state employee should maintain current emergency contact information in CAPPs so that State Human Resources and supervisors in the chain of command will have access to this information in the case of an emergency.

2.27. OUTSIDE EMPLOYMENT.

a. Employment with TMD obligates an employee to give priority to TMD job duties and scheduled hours over outside employment duties and hours. An employee's work hours or schedule will not be changed to accommodate outside employment.

b. For purposes of this policy, self-employment is considered outside employment.

c. The following types of outside employment are prohibited:

(1) Employment that conflicts with an employee's work schedule, duties and responsibilities or creates an actual conflict of interest;

(2) Employment that impairs or has a detrimental effect on an employee's performance with TMD; and

(3) Employment that requires the employee to conduct work or related activities on TMD property, during TMD work hours or using TMD facilities and/or equipment.

d. To begin outside employment without delay, the employee may receive temporary approval from the employee's immediate supervisor, if the outside employment clearly does not represent a conflict of interest. The employee must submit *TMD OSA HR Form 2-06, Request for Outside Employment*, to the

supervisor for formal approval. Continuance of the outside employment will be contingent upon the employee receiving final written approval from the supervisor. If the request is not approved, the supervisor will provide a written explanation regarding the basis for the disapproval. The approved or disapproved *TMD OSA HR Form 2-06, Request for Outside Employment* must be provided to TMD State HR to be included in the employee's personnel file.

2.28. DUAL STATE EMPLOYMENT.

a. There are state and federal guidelines that may prevent dual employment with more than one state agency.

b. A person who is legally employed by more than one Texas state agency may not receive benefits from the state in excess of those which are provided for one full-time employee. An agreement with the additional state agency must be in place prior to confirmation of an employment offer with the department. In addition to following the policy outlined above with respect to outside employment, dual employment with the state must follow any applicable provisions of Chapter 574 of the Texas Government Code and the General Appropriations Act.

c. Employees working for another State agency, or those who are seeking approval to do so, must submit a request in writing to the Director, Office of State Administration through the Director of State Human Resources.

d. Among other things, the following limitations apply:

(1) Separate vacation and sick leave records must be maintained for each employment;

(2) Leave balance transfers are prohibited. For example, if the person separates from one employment, the person's leave balances that were accrued under that employment may not be transferred to the remaining employments;

(3) The employee accrues state service credit for all purposes as if the employee had only one employment; and

(4) The total state contribution toward the employee's group insurance is limited to the amount specified in the General Appropriations Act for one full-time active employee.

e. Granting of approval will be based on a prior written agreement between the agencies addressing among other things how any federal Fair Labor Standards Act (FLSA) overtime compensation will be handled. If permission is granted, permission may be withdrawn later if any conflict arises. The employee may be required to resign from one of the agencies.

2.29. EXIT SURVEY.

a. TMD provides all employees who are terminating their employment voluntarily access to the State Auditor's Office online exit survey. Each exiting employee who voluntarily leaves TMD employment

will be given a unique ID, a computer with Internet access (although employees may complete the survey at another location if they wish), and the web address for the survey. The site allows employees to share their responses with the Governor's office and/or their agency's executive director. Managers and supervisors should encourage employees to complete this survey.

b. Summarized quarterly reports are available for the Director of State Administration and the Director of State Human Resources. These summaries are also provided to the Governor, Lieutenant Governor, Speaker of the House, and members of the Senate Committee on Finance and the House Appropriations Committee. Individual exit survey responses are not subject to disclosure under the Texas Public Information Act. (Texas Government Code, Chapter 552).

2.30. PERFORMANCE APPRAISALS.

a. TMD has developed a system of annual performance evaluations that are based on documented employee performance. The purpose of the performance evaluation is to provide a fair and objective method for supervisors to communicate performance expectations and provide job-related feedback to each employee. Performance evaluations are generally scheduled once a year or upon change in assignments. Performance evaluations are completed using *TMD OSA HR Form 2-04, TMD State Employee Performance Evaluation Form* (see Appendix 1). TMD executive-level employees may receive performance evaluations in memorandum format in lieu of using TMD OSA HR Form 2-04 when appropriate.

b. Regular counseling is imperative to ensure employees understand expectations. Supervisors may use *TMD OSA HR Optional Form 2-05-OF, TMD State Employee Performance Counseling Form* (see Appendix 1) to accomplish regular counseling; the form can also be used to document performance issues.

c. During formal performance evaluation, supervisors and employees discuss a variety of topics, including but not limited to, attendance, quality of work, quantity of work, teamwork skills, etc. Supervisors and employees also review job tasks (revising the employee's job description if necessary), identify and address how to correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. Employees may submit written comments to be included in their personnel file with the performance evaluation. Comments, if any, should be submitted to State Human Resources within three (3) workdays.

d. TMD reserves the right to make any personnel changes (other than unlawful events) before or after performance evaluations.

2.31. NEPOTISM.

a. It is the policy of TMD that no individual will hire, supervise the work of, or have control over the compensation, assignments, working conditions, or hours of work of any person related to that individual within the second degree by marriage (affinity) or within the third degree by blood (consanguinity). In addition, no person may be employed by the department who is related to the Adjutant General within the second degree of affinity or the third degree of consanguinity. See the TMD Consanguinity/Affinity Chart

at Appendix 9.

b. Two persons are related to each other by consanguinity if one is a descendant of the other or if they share a common ancestor. An adopted child is treated as the natural child of the adoptive parent in this regard.

c. Two persons are related to each other by first degree by affinity if they are married to each other. Termination of a marriage by divorce or the death of a spouse terminates relationships by affinity created by that marriage unless a child of that marriage is living, in which case the marriage is treated as continuing to exist if a child of that marriage lives. For relationships by affinity other than husband and wife, the degree of relationship is the same as the one by consanguinity.

d. Married couples and other relatives may be employed if they are employed in separate divisions, or within the same division provided neither is in a supervisory position or administrative line of authority over the other. If two employees marry, the Adjutant General will have authority to:

- (1) Transfer one or the other to a different division; or
- (2) Modify their job assignments.

e. TMD will not authorize or approve the hire, transfer, or promotion of an employee if it would result in one family member having supervisory authority over another family member.

f. All employment decisions must comply with state law concerning nepotism. The hiring authority should contact State Human Resources if he or she has a question regarding the degree of relationship.

2.32. REDUCTION-IN-FORCE.

a. The Adjutant General has established this policy in the event of reduction in funding, abolition of jobs, a reorganization or loss of functions dictated by the National Guard Bureau, the Texas State Legislature or the Adjutant General that eliminate positions held by state employees. This type of separation from state employment shall not reflect negatively on the performance of an employee.

b. Considerations:

(1) When a reduction in force is necessary, the following actions will be accomplished. State Human Resources will be notified as soon as it becomes apparent that a reduction in force involving lay-off of state employees may be required.

(2) Based on fund limitations, contract modifications or terminations, or other factors that affect the number of state positions authorized and funded, specific job titles will be identified by management to be abolished.

(3) Employees in the same geographical area officially assigned to specific job titles designated for elimination will compete for retention unless all such job titles are eliminated. Procedures prescribed

below will be used to determine specifically who will be separated from state service.

c. Procedures. The following procedures will be used when a reduction in force cannot be avoided.

(1) Officials who decide which employees are separated.

a. The first level supervisor over job titles designated for elimination will designate the specific employees to be separated.

b. The subsequent level supervisors will review and approve the actions taken by the first level supervisor.

(2) Jobs titles with various skill levels.

a. Higher level positions with the same or similar job titles, except for skill level designations, may be included in the pool with a lower level job title at the discretion of the first level supervisor. If selected for retention at a lower level position and the employee agrees, the employee will be demoted and reassigned to that position. Otherwise, if the employee has not been selected at his or her present skill level, separation will be accomplished.

b. Only the supervisor can determine whether to consider an employee for a lower skill level position.

(3) The following criteria will be considered in order when reductions are required:

a. Demonstrated job performance and efficiency will be of prime consideration. Employee Performance Evaluations, disciplinary actions, counseling statements, warnings and time and attendance reports will be used in that order to determine job performance and efficiency.

b. Length of service, including total state service, especially for those who are near completion of years of service required for retirement, will be next in importance for determining retention.

c. Temporary or employees serving on probation or trial periods will be selected for separation prior to selection of full-time employees.

(4) Veterans' Preference. An individual who is entitled to a veterans' employment hiring or appointment preference is also entitled to a preference in retaining employment if TMD reduces its workforce. This applies only to workforce reductions of employees of a similar type or classification as the individual who qualifies for the veterans' preference and does not apply to veterans less qualified than employees who are not veterans.

(5) Official notification to affected employees.

a. After all supervisors have completed their actions and have designated those employees who are to be separated due to a reduction in force, a list of names and the criteria to determine those names

will be furnished to the State Director of Human Resources.

b. The State Director of Human Resources will officially notify the employees of the separation action that will occur. Notification will state clearly what action will be taken and the effective date. Supervisors will not notify employees prior to the official notification.

c. Every effort will be made to give a 30-calendar day notice to employees who are to be separated. When circumstance precludes notification that far in advance, a minimum of a 15-calendar day notice will be given in all cases. The notice may be given as Administrative Emergency Leave and/or when budgetary constraints allow and when approved by the Adjutant General.

(6) Entitlements.

a. Employees separated due to a reduction in force are entitled to the benefits listed below:

1. Payment for applicable leave – Annual leave and FLSA overtime will be paid to the employee. The value of sick leave and comp time are prohibited by law to be paid to the employee;

2. Insurance – Employees will be given the opportunity to continue coverage in accordance with COBRA;

3. Unemployment compensation – Employees will be assisted, when requested, in obtaining unemployment benefits; and

4. Assistance in finding other employment – State Human Resources will coordinate with the Texas Workforce Commission to assist employees in their job search.

b. State Human Resources may provide postings and other leads to future employment to the separated employees for six months following the notification of their separation from the agency.

(7) Appeals.

a. An employee may appeal to the Adjutant General of Texas within 10 calendar days after receiving notification of a reduction in force and believes that this policy has been incorrectly applied. The appeal must be in writing and include the following information:

1. Name, social security number, position title and place of employment.

2. Clearly state the reason the employee believes the action was inappropriate.

3. Show how the agency failed to comply with the reduction in force policy and procedures.

b. The Adjutant General or the Director of State Administration will issue a written decision on the appeals, and where applicable, direct the State Director of Human Resources to take any necessary

corrective action. A copy of the decision stating the corrective action to be taken will then be forwarded to the employee who filed the appeal. The decision of the Adjutant General, or his/ or her designee is final, and there is no further right of appeal.

2.33. TRAINING.

TMD encourages staff development and training to ensure employees have the knowledge and skills to effectively and efficiently perform their official duties.

a. In-service Training. In-service training is job and task-oriented training that is provided generally within the context of the performance of assigned duties at the employee's primary work site. a. It may include traditional on-the-job training, panel discussions, videos, and/or training in preparation for a specific job assignment and may be delivered in a formal or informal mode.

b. TMD e-Learning Hub (<https://tmd.csod.com>). A web-based learning management system that provides employees access to mandatory training courses and professional development courses.

c. External Training and Developmental Activities. This category of training includes all workshops, seminars, institutes, and other special programs or activities which are not provided by TMD staff. This category of training may include tuition reimbursement in accordance with applicable rules and policy adopted by TMD. All training and activities must be designed to improve the technical or professional knowledge and/or job-related skills of the employee.

d. TMD may require an employee to attend a training or education program if the training and education is related to the employee's duties or prospective duties. TMD may spend appropriated funds to pay the salary, tuition and other fees, travel and living expenses, training expenses, expense of training materials, and other necessary expenses of an instructor, student, or other participant in a training or education program.

e. Training Policy Requirements. The State Employees Training Act authorizes a state agency to use public funds to provide training and education to its employees. Such training or education must be related to the current or prospective duties of the employee. A state agency may use money appropriated for a fiscal year to pay expenses for training that will occur during that fiscal year. To the extent that it is cost effective, a state agency may use money appropriated for a fiscal year to pay expenses for training that will occur partly or entirely during a different fiscal year. TMD's policy and rules governing tuition reimbursement are published separate from this manual.

f. Specific Statutorily Required Training. The following training courses are mandated by state law.

(1) Equal Employment Opportunity (EEO) Compliance Training.

a. If the department receives three or more discrimination complaints with merit in a fiscal year, it must provide comprehensive equal employment opportunity training to managers and supervisors. The training may be provided by the Texas Workforce Commission (Commission) or by a person or entity approved by the Commission, including a state agency. An agency required to participate in the training

must pay the cost of attending the training or reimburse the Commission or state agency providing the training through an interagency contract. If the training is not provided by the Commission, documentation verifying this training must be provided to the Commission.

b. The documentation must include the dates that the training was provided, the names of the persons attending the training, an agenda for the training program, and the name of the entity or person providing the training. The Commission determines the minimum standards for the training.

(2) Equal Employment Opportunity (EEO) Standards Training.

a. Each state agency must provide employment discrimination training, including employment discrimination involving sexual harassment, to its employees. OSA Training Department provides EEO and sexual harassment training for state employees within their first 30 days of employment and employees must repeat the training every two (2) years.

b. Employees complete online training and receive certificates verifying their completion of the training program. Record of completion are maintained within the TMD e-Learning Hub.

(3) Coordinated Technology Training. Each calendar quarter, a state agency must coordinate its training for the use of information resources technology with training offered or coordinated by the Department of Information Resources. The agency must use training offered or coordinated by the Department of Information Resources if the training meets agency requirements and is cost competitive.

(4) Cybersecurity Awareness Training. To the extent possible, state agencies must provide employees who handle sensitive information, including financial, medical, personnel, or student data, with cybersecurity awareness training that coincides with the distribution of data use agreements required by Texas Government Code, Section 2054.134, and each biennial update of those agreements. Employees will be notified by their supervisor regarding specific Cyber Security training requirement for their position.

(5) Contract Manager and Purchasing Training.

a. Texas Procurement and Support Services (TPASS) within the Office of the Comptroller of Public Accounts (Comptroller) is responsible for developing and administering a training program for contract managers. The Comptroller may assess a fee for the training in an amount sufficient to recover its costs.

b. A contract manager is defined as a person who is employed by a state agency and has significant contract management duties for the state agency. Each state agency is responsible for ensuring that the agency's contract managers complete the training administered by the Comptroller. The Comptroller is required to certify contract managers who complete the training program.

c. A state agency may develop qualified contract manager training to supplement the training administered by the Comptroller. The Comptroller may incorporate into the training program it administers the training that an agency develops. In addition, the Comptroller is required to adapt its

contract management training program to provide an abbreviated program for training members of the governing boards of state agencies. The training may be provided together with other required training for members of governing boards and all members of a governing board must complete at least one course of the training program. Governing boards of state agencies that do not enter into contracts are exempt from this requirement. The Comptroller may assess a fee for the training in order to recover costs.

d. TPASS, in consultation with the Office of the Attorney General, the Department of Information Resources, and the State Auditor's Office, develops and periodically updates the State of Texas Procurement and Contract Management Guide for use by state agencies. This document can be viewed on the Comptroller's Web site at: <https://comptroller.texas.gov/purchasing/publications/procurement-contract.php>.

Personnel Management & Employee Compensation

Revised: 09/01/2023

3.1. POSITION CLASSIFICATION.

a. TMD follows the Position Classification Plan administered by the State Classification Team of the Texas State Auditor's Office. The Plan establishes job classification titles for full-time, part-time, hourly, and temporary employees. The job classifications within the Plan are defined as classified positions.

b. In collaboration with management, TMD State HR works with managers to create job descriptions for positions using the State Auditor's website as guidelines and develops functional job descriptions that are more specific to TMD. These guidelines are specific for each job and represent the qualifications needed for the positions.

c. Each job classification title is assigned to a salary group within a classification salary schedule A or B. Schedule A includes paraprofessional, administrative support, maintenance, service and technical positions, while Schedule B includes primarily professional and managerial positions. TMD determines the appropriate rate of pay for employee salaries established in accordance with the schedule. The classification salary schedules and job classification titles are contained in the most recent edition of the General Appropriations Act.

3.2. CAREER LADDER POLICY.

a. TMD places a high value on its employees and will attempt to promote current state employees whenever appropriate. Promotions will take into consideration all applicable federal and state laws, qualifications of the candidate and minimum requirements for the classification level according to the established Career Ladders. Advancement is not automatic or guaranteed with length of service and is dependent on budget and business need. An employee's opportunity for a promotion depends upon the employee's demonstrated ability and skill as well as the business needs of the department. Progression through a classification series or a related group of jobs normally occurs based on competition and selection of a qualified employee for a vacancy in a higher-level position or by a management directed/initiated promotion.

b. The State Human Resources, in conjunction with the management as appropriate, develops career paths for all job classifications used by TMD to identify the education and experience necessary for each classification level. Refer to Appendix 5 to review the TMD Career Ladder. All employees are encouraged to further their education and skills to help advance and have an opportunity to qualify for higher-level positions. The department will strive to provide access to specialized training programs to assist all employees in developing and enhancing job skills. See Appendix 5 for the TMD Career Ladder.

3.3. PROMOTIONS.

a. A promotion is a change in classification title that provides a higher minimum salary rate, requires

higher qualifications such as greater skills, additional qualifying years of experience and involves a higher-level of responsibility.

(1) An employee promoted to a position in Classification Salary Schedule A will receive a minimum \$30 per month increase to the base salary for a full-time employee or the minimum salary rate of the new salary group, whichever is higher.

(2) An employee promoted to a position in Classification Salary Schedule B will receive at least a 3.4 percent increase or the minimum salary rate of the new salary group, whichever is higher.

(3) Department management has the discretion to provide an employee promoted to a position in Classification Salary Schedule A or B, a salary amount up to and including the maximum rate of the new salary group.

b. Promotions are granted solely at the discretion of department management. This policy is intended to provide general guidance concerning when an employee may be considered for a promotion; however, the fulfillment of these criteria should not be construed as entitling an employee to a promotion.

3.4. DEMOTIONS.

a. A demotion is a change in the job duty assignment of an employee from a position in one classification to a position in another classification in a salary group with a lower minimum rate.

(1) The salary of a demoted employee in Classification Salary Schedule A will be reduced at least \$30 a month;

(2) The salary of a demoted employee in Classification Salary Schedule B will be reduced by at least 3.4%.

b. As an exception to the provisions in this paragraph, an agency is not required to reduce an employee's salary if the employee accepts a position in another classification in a lower salary group in lieu of a layoff under a reduction in force, or the employee is selected for another position in a classification in a lower salary group as a result of applying for the position.

3.5. SALARY REDUCTIONS FOR DISCIPLINARY REASONS.

a. If a classified employee's performance warrants, TMD may reduce the employee's salary for disciplinary reasons to a rate in the designated salary group no lower than the minimum rate. As documented performance improves, the employee's pay may be restored to any rate within the salary range up to and including the prior rate, without accounting for the increase as a merit increase.

b. A demotion or salary reduction recommended based on serious performance or behavior problems is considered a disciplinary action.

3.6. EMPLOYEE TRANSFERS WITHIN TMD.

a. All classified employees may be eligible for transfer if the employee has no disciplinary action beyond a verbal reprimand and/or has not been on a performance plan as a result of unsatisfactory performance, conduct, or behavior during the past annual review period in their present position.

b. A transfer occurs when an employee is moved or hired to a similar position in the same or another department within TMD. Most transfers will occur as a result of a job posting.

c. There are two (2) types of transfers, lateral transfers and competitively selected transfers.

d. Lateral Transfers.

(1) A lateral transfer is a change-in-duty assignment of a TMD employee from one classification title to another in the same salary group. A lateral transfer typically occurs through:

a. Department initiated request;

b. Reorganization;

c. Job audit; or

d. Voluntary submission of an application by an employee to a vacant position in the same salary group.

(2) When such a transfer occurs, the salary can be increased, it can remain the same, or it can decrease within the salary group. If an increase is provided, it can be no more than 3.4 percent above the employee's salary prior to the transfer. If the salary decreases, it may not decrease below the minimum of the salary group.

(3) An employee's annual salary rate immediately after a transfer may not exceed the maximum rate for the salary group.

e. Competitively Selected Transfers.

(1) A competitively selected transfer is a change in duty assignment of a TMD employee from one position to another within the same classification title and salary group.

(2) When such a transfer occurs, the salary can remain the same, decrease, or increase. If the salary will increase it can increase up to the maximum of the salary group if:

a. The position to which the employee is transferring to was publicly advertised;

b. The employee voluntarily applies for the position to which the employee transfers; and

c. The employee agrees to accept the position at the publicly listed salary.

3.7. REALLOCATIONS.

Reallocation refers to the process by which the General Appropriations Act (GAA) assigns specific classified positions to a salary group that differs from the previously designated salary group. A classified employee whose position is reallocated to a higher salary group will receive the minimum rate in the higher salary group or the salary he or she would have received without the reallocation, whichever is higher. Salaries of employees may not be increased more than 6.8 percent for the purpose of maintaining desirable salary relationships among employees in the affected positions. Employees whose positions are reallocated to lower salary groups will receive the salaries they would have received had their positions not been reallocated. However, the employees' salaries must not exceed the maximum rates for the lower salary groups.

3.8. RECLASSIFICATIONS.

a. A reclassification is a change in the classification of a position to another classification title as a result of a classification audit, classification review or reorganization by the TMD. The purpose of a reclassification is to properly classify a position based on the actual duties currently performed by an employee. It does not refer to a change in an employee's duty assignment. A position may be reclassified at any time to correct a discrepancy.

b. Reclassifications can result in a higher or lower salary group. They can be effective at any time but are generally effective on the first of the month.

c. An employee's position may be reclassified when the employee's essential job functions have significantly changed and are better aligned to a different classification series. An individual employee in coordination with supervisory chain of command may request State Human Resources to initiate a classification review. The initiation of such a classification review rests solely at the discretion of the TMD's management. State Human Resources coordinates the classification review through the appropriate chain of supervision.

1) Reclassification to a Higher Salary Group. A classified employee whose position is reclassified to a higher salary group will receive the minimum rate in the higher salary group or the salary he or she would have received without the reclassification, whichever is higher. Salaries of reclassified employees may not be increased more than 6.8 percent to maintain desirable salary relationships.

2) Reclassification to a Lower Salary Group. A classified employee whose position is reclassified to a lower salary group will receive the salary he or she would have received had their position not been reclassified. If the employee's salary prior to the reclassification is above the maximum salary of the lower salary group, the employee will receive the maximum salary of the new lower salary group.

d. Approval of reclassifications is within the sole discretion of State Human Resources. This policy is intended to provide general guidance concerning when an employee may be considered for a reclassification; however, the fulfillment of these criteria should not be construed as entitling an employee to a reclassification.

3.9. MERIT SALARY INCREASES AND ONE-TIME MERIT PAYMENTS.

a. Unless otherwise mandated by the Texas Legislature, merit pay increases and one-time merit payments will be based on meritorious job performance and will not be awarded on an "across-the-board" or "cost-of-living" basis. In accordance with statutory requirements, meritorious job performance is defined as job performance and productivity that are consistently above the normal expected levels.

b. Merit actions will be administered in a fair and equitable manner in accordance with the general procedures and guidelines published in Appendix 6 of this manual and any separate guidance provided by memorandum as applicable.

c. Procedures and guidelines implemented may be changed as necessary for efficient and effective administration without adoption of a new or revised policy. Exceptions to adopted procedures require advance approval by the Adjutant General or Director, Office of State Administration.

3.10. EQUITY PAY ADJUSTMENTS.

a. An equity pay adjustment is a change in the salary rate of a classified employee to a rate within the employee's salary group range to maintain desirable salary relationships between and among employees of the agency, and employees who hold similar positions in relevant labor markets. In determining desirable salary relationships, State Human Resources will consider the education, skills, related work experience, length of service, and job performance of employees and comparable positions in relevant labor markets.

b. Equity pay adjustments are NOT merit salary increases, promotions or reclassifications; the sole purpose is to establish or maintain salary equity. In providing an equity adjustment, the salary must increase but remain within the same salary group without a change to the job classification or salary group. The award of equity pay adjustments is dependent upon budget and availability of funds. The approval of equity pay adjustments is with the Director of State Human Resources or their designee.

c. TMD can award an equity adjustment to an employee only if the adjustment does not conflict with another law and funding is available.

d. An equity pay adjustment must be initiated by a supervisor or manager and is not an entitlement. Each request for an equity pay adjustment must be supported by a written justification that includes a review and analysis of the salary relationships between the subject employee and agency employees who receive salaries under the same job classification and perform the same type and level of work, or between the subject employee and similar employees in comparable labor markets. The review and analysis must justify the need for an equity adjustment.

3.11. PERSONNEL AND SALARY ACTION PROCESSING PROCEDURES.

a. Requests for promotions, reclassifications or equity adjustments are documented, substantiated and submitted through the chain of management to State Human Resources.

b. The review process for reclassifications may require a desk audit to ensure that the position is appropriately classified in accordance with the State Classification Plan.

c. Supervisors should contact State Human Resources to initiate a promotion, reclassification or equity adjustment request. The process includes:

(1) A memorandum documenting the basis for the proposed action, including the employee's most current job description;

(2) A proposed new job description; and

(3) A Personnel Action Form (PAF).

d. Personnel Action Form. *TMD OSA HR Form 3-01, Personnel Action Form* (see Appendix 1) must be completed for any personnel action (i.e., new hire, promotion, reclassification, merit increase, demotion, transfer, separation, status change, leave without pay, etc.). The PAF must contain all required signatures before the personnel action is official. Promotions, salary increases, or one-time merit awards will not be processed until all required approvals have been received.

e. PAF Deadline. Generally, a PAF related to a merit increase (or one-time award), promotion, demotion, reclassification, change in FTE status, or transfer must be received in State Human Resources two weeks prior to the desired effective date. Otherwise, the change will become effective the first day of the following month.

f. Disciplinary or Adverse Personnel Action. Adverse personnel actions must be completed by the supervisor based on a serious performance or behavioral problems. Disciplinary or Adverse Personnel Actions include the following:

- (1) Letter of Reprimand
- (2) Disciplinary Probation
- (3) Suspension/Leave Without Pay (LWOP)
- (4) Temporary Salary Reduction
- (5) Involuntary Demotion
- (6) Termination of Employment

g. All appropriate documentation must be forwarded to State Human Resources and placed in the employee's personnel file.

h. Employee Notification. TMD practice and policy dictates that employees should not be notified

about any salary action until official approval is received from State Human Resources.

3.12. BENEFIT REPLACEMENT PAY (BRP).

a. Prior to January 1, 1996, the State paid a portion of the federal taxes for eligible state employees and eligible state-paid judges under the Federal Insurance Contributions Act (FICA). This payment was commonly known as state-paid Social Security. Beginning with wages paid January 1, 1996, this state-paid Social Security ceased. The Texas Legislature chose to offset the effects of the repeal of the state's payment of the taxes imposed on state employees and state-paid judges under FICA by paying a new entitlement called benefit replacement pay (BRP).

b. Eligibility for BRP is determined at the time of employment by TMD and will be based on the criteria set forth in Statute.

c. Eligible employees have the option of receiving BRP in equal installments during the calendar year. This practice is known as "leveling." This option exists if the employee's FICA wages are anticipated to be at least \$16,500 during the year in which the leveling would occur.

d. CAPPs provides BRP-eligible employees the ability to change their leveling election for the next calendar year in Employee Self Service during an open enrollment period. However, CAPPs maintains an employee's election from one year to the next, so if an employee does not want to change the way he or she receives BRP, no action is required during the open enrollment period.

e. BRP Elections Open Enrollment Period. **Employees who want to change their election must make the change in CAPPs during the open enrollment period. Employees will be notified of the open enrollment dates via email (typically open between November and December each year).** Employees are only able to access the system to make the change during the open enrollment period. The election becomes effective with the December pay period payable in the next calendar year.

f. If an employee chooses to level their BRP and then terminates employment before year end, the employee will not be paid the difference between the BRP received and the amount they would have received had the installment plan not been chosen.

g. An eligible employee who leaves state employment for 30 or more consecutive days becomes ineligible to receive BRP upon re-employment with the State. An eligible state employee who retired from state employment on or after June 1, 2005, and who receives an annuity based wholly or partly on services as a state officer or state employee in a public retirement system is ineligible to receive BRP upon re-employment with the State.

3.13. HAZARDOUS DUTY PAY.

a. A state employee is eligible for hazardous duty pay if he or she is in a designated Hazardous Duty Position for any portion of the first workday of the month and has completed at least 12 months of lifetime service credit (by the last day of the preceding month). TMD employees classified as Security Officers are eligible for hazardous duty pay.

b. The amount of an employee's hazardous duty pay is based on the number of months served in a hazardous duty position, which is also known as "lifetime service credit." The number of months is determined on the last day of the preceding month. For a part-time employee, hazardous duty pay is proportional to the amount given to a full-time employee.

c. The amount of a full-time employee's hazardous duty pay for a particular month is \$10 for each 12-month period of lifetime service credit accrued by the employee.

3.14. DIFFERENTIAL PAY.

a. Military Differential Pay.

(1) TMD grants enough emergency leave to provide a pay differential if an employee's military pay is less than the employee's state gross pay. The combination of military pay, and emergency leave may not exceed the employee's actual state gross pay. Pay received while assigned to a combat zone, hardship duty pay, and family separation pay is excluded when computing military differential pay.

(2) Only state employees called to active duty in support of a national emergency or Homeland Security mission (under United States Code, Title 10 or Title 32) and whose military pay is less than their gross state pay are eligible for differential pay.

(3) Service members involved in routine military training or who are attending military schools are not entitled to this differential pay.

(4) If emergency leave is granted to state employees activated for military duty, those employees will accrue sick and vacation leave each month they receive pay from the department. The sick and vacation leave will be accrued but not posted until the employee returns to full employment with TMD.

(5) Determining Eligibility. To determine eligibility, Service Members must provide State Human Resources with a copy of the employee's Military Leave and Earnings Statement each month that emergency leave is going to be granted, to determine the total entitlement of military pay received by the service member. The service member's pay may change during the period of active duty because of a promotion or change in entitlements. Any increase in pay may reduce or cease the need for state military differential pay.

b. Differential Pay for Shift Work.

(1) TMD may supplement an employee's regular pay for working duty hours other than Monday through Friday, normal business hours, or supplement an employee's pay for maintaining the necessary license to legally carry a weapon on duty as a requirement for the position. This differential pay is not an entitlement and is subject to the availability of funds.

(2) Shift Work Criteria for Eligibility. An employee regularly scheduled to work evenings, night shifts or weekends is eligible to receive a shift differential pay supplement. Employees who work evening and night shifts during a weekend shift are eligible to receive both a weekend shift differential and an

evening or night shift differential pay.

(3) If TMD is having trouble filling vacant positions and determines it is in the department’s best interest to increase the supplement for security or mission purposes, a detailed justification request will be considered by the Director of State Administration.

(4) Shift differential pay is subject to:

a. Annual certification of availability of funds by the program area funds manager for every eligible employee; and

b. Approval by the Director of State Administration.

(5) Evening and Night Shifts. An employee is eligible for shift differential pay if a minimum of four (4) hours worked during the shift fall between 7:00p.m. and 7:00a.m.

(6) Weekend Shift. An employee is eligible for weekend shift differential pay if the regularly scheduled hours fall between 11:00p.m. Friday and 11:00p.m. Sunday.

RATE OF PAY FOR DIFFERENTIAL PAY	
Night Shift	\$200 Per Month
Evening Shift	\$200 Per Month
Weekend Shift – 1 Day Regular Schedule	\$ 50 Per Month
Weekend Shift – 2 Day Regular Schedule	\$100 Per Month

(7) Employee eligibility status recertification must be conducted at the beginning of each state fiscal year, or more often if requested. Differential pay will be paid according to statute for Night, Evening Shift, Weekend Shift (1 or 2 Day). Continuation of funding for differential pay will require recertification of availability each fiscal year.

c. Differential Pay for Carrying Weapons. The TMD may pay weapons differential pay to an employee who holds an armed commissioned security officer license issued by Texas Department of Public Safety (Reference: Occupations Code Chapter 1702 Subchapter G. Sec. 1702.161) and carries a weapon in the performance of their assigned duties. Security officers employed by TMD must follow procedures governing the possession and use of approved firearms and training established in accordance with the respective ARNG Security Cooperative Agreement and ANG Security Cooperative Agreement.

d. Requesting Differential Pay for Shift Work or Carrying Weapons

(1) Employees may be eligible for differential pay; however, before payment is made, the appropriate funds manager must certify the availability of funds. If funds are not available, are no longer available, or the employee is no longer eligible, differential payments will be disapproved or discontinued.

(2) *TMD OSA HR Form 3-01, Personnel Action Form (PAF)* must be prepared and submitted by the program's manager to State Human Resources two weeks prior to the desired effective date for Shift Differential and/or Weapon Pay. The effective date must be the first day of a month. Continuation of funding for differential pay will require recertification of funds availability each fiscal year.

3.15. LONGEVITY PAY.

a. Longevity pay is an entitlement based on total state service. It is paid each month in addition to base salary. Longevity was first authorized as an employee entitlement on Sept. 1, 1979.

b. To be eligible for longevity pay, an individual must:

(1) Be a full-time employee (any employee working less than 40 hours per week is considered part-time);

(2) Be in paid status on the first workday of the month; and

(3) Have accrued 24 months of lifetime service credit not later than the last day of the preceding month.

c. Part-time or temporary employees do not receive longevity pay. Other employees ineligible for longevity pay include members of the Legislature; individuals elected to public office; an independent contractor or an employee of an independent contractor; temporary state employees; officers or employees of public junior colleges; academic employees of institutions of higher education; and return to work employees who retired from state employment on or after June 1, 2005, and who receive an annuity based wholly or partly on service as a state officer or state employee.

d. If an employee changes from a full-time state employee after the first workday of a month to another status (for example, a part-time employee), but otherwise qualifies for longevity pay, the employee's compensation for the month includes full longevity pay.

e. Rate of Longevity Pay (for other than Return-to-Work Retirees).

(1) Longevity pay is paid at the rate of \$20 every month for every 24 months of lifetime service credit.

(2) The amount increases on the first of the month following the month the lifetime service accrual reaches a new multiple of 24 months.

(3) A month begins on the same day each month as the effective service date and ends on the day before that day during the next month.

The chart below shows the monthly amount of longevity to be paid to eligible employees:

At Least	But Less Than	Amount of Longevity per Month
24 months	48 months	\$20
48 months	72 months	\$40
72 months	96 months	\$60
96 months	120 months	\$80
120 months	144 months	\$100
144 months	168 months	\$120
168 months	192 months	\$140
192 months	216 months	\$160
216 months	240 months	\$180
240 months	264 months	\$200
264 months	288 months	\$220
288 months	312 months	\$240
312 months	336 months	\$260
336 months	360 months	\$280
360 months	384 months	\$300
384 months	408 months	\$320
408 months	432 months	\$340
432 months	456 months	\$360
456 months	480 months	\$380
480 months	504 months	\$400
504 months	No limit	\$420

f. Return-to Work Retirees.

(1) Special provisions apply to longevity pay for return-to work retirees. Retirement from state employment includes retirement from the Teacher Retirement System of Texas, the Employees Retirement System of Texas and retirement under an Optional Retirement program.

(2) Individuals who retired on or before May 31, 2005, and who returned to state employment before Sept. 1, 2005, are eligible to receive longevity pay equal to the amount to which they were entitled immediately preceding Sept. 1, 2005. That longevity pay amount does not change over time, regardless of the amount of lifetime service credit that is accrued following reemployment.

(3) **Important note:** If the return-to-work retiree leaves state employment for one day or more, *longevity pay is discontinued upon return to state employment.*

(4) Individuals who retired from state employment on or after June 1, 2005, are ineligible for longevity pay upon reemployment with the state.

3.16. LIFETIME SERVICE CREDIT.

a. Lifetime Service Credit reflects an employee's entire time of state service and is used to determine the amount of longevity pay an individual may be eligible to receive. Any periods of time spent in a hazardous duty position are accounted for separately.

b. Eligible employment. An individual accrues lifetime service credit:

(1) As a full-time, part-time or temporary state employee (does not include State Active Duty temporary employees) or while otherwise serving as an employee of the state, regardless of whether the individual was a student during that service,

(2) As a full-time, salaried, non-elected member of a governing body,

(3) As a member of the legislature,

(4) While holding a statewide office that is normally filled by vote of the people,

(5) While in an academic position at an institution of higher education, or

(6) As a Texas National Guard technician before Jan. 1, 1969.

c. An employee who is on leave without pay for an entire calendar month does not accrue lifetime service credit for the month. An employee who is on leave without pay for less than an entire calendar month accrues lifetime service credit for the month if the employee otherwise qualifies to accrue credit.

d. An employee who simultaneously holds two or more positions that each accrues lifetime service credit accrues credit for only one of the positions.

e. An employee who begins working on the first *workday* of the month in a position that accrues lifetime service credit is considered to have begun working on the first day of the month.

f. The amount of an employee's lifetime service credit does not include the period served in a hazardous duty position if the employee is entitled to receive hazardous duty pay.

3.17. RECRUITMENT BONUS.

a. To attract and hire eligible key classified staff whose unique skills or abilities are vital to achieving significant agency goals, TMD may provide to a state employee, at the time of hire, additional compensation in the form of a one-time payment not to exceed \$5,000. Any offer of a recruitment bonus is dependent upon availability of funds and requires advance approval by the Adjutant General.

b. Before TMD enters a contract to pay a recruitment bonus, the Adjutant General or Director of State Administration as designee must certify in writing to the Comptroller's Office the reasons the additional compensation is necessary.

c. If the employee terminates employment with TMD for any reason less than three months after the date of receiving the recruitment payment, the employee must refund the full amount of the recruitment payment.

d. If the employee terminates employment with TMD for any reason 3 months or more but less than 12 months after the date of receiving the recruitment payment, the employee must refund a prorated amount, calculated by:

(1) Subtracting from 12 months the number of complete calendar months the employee worked after the date of receiving the recruitment payment.

(2) Dividing the number of months remaining by 12 months.

(3) Multiplying the result of Step 2 by the amount of the recruitment payment.

e. The recruitment bonus is subject to:

(1) Federal income tax (FIT) at the supplemental rate, and

(2) Federal Insurance Contributions Act (FICA) withholdings.

f. If all or part of the recruitment bonus is refunded during the same calendar year in which it was paid, then adjustments must be made to FIT and FICA withholdings

g. If an employee fails to refund a recruitment bonus as required by law, the state agency to which the refund was owed must consider recovering the bonus by payroll deduction from a lump-sum payment of accrued vacation leave, or other appropriate means.

3.18. RETENTION BONUS.

a. To enhance the retention of employees who are employed in certain classified positions that are identified by the Adjutant General or the Director of State Administration as “essential for the state agency’s operations,” and subject to the availability of funds, TMD may enter a deferred compensation contract with an employee to provide the employee a one-time payment not to exceed \$5,000. Any offer of a retention bonus is dependent upon availability of funds and requires advance approval by the Adjutant General.

b. Before TMD enters a contract to pay a retention bonus, the Adjutant General or Director of State Administration as designee must certify in writing to the Comptroller’s Office the reasons the additional compensation is necessary.

c. To be eligible for a to enter a contract for a retention bonus, the employee must have already completed at least 12 months of service in a classified position with TMD prior to the contract. The employee must complete another 12 months of service with TMD before the payment can be issued. The retention bonus amount will be added to the employee’s salary payment the month after the conclusion of

the 12-month period of service as written in the deferred compensation contract.

d. The Adjutant General or Director of State Administration as designee must determine whether additional compensation is warranted on a case-by-case basis and will consider the following:

(1) The criticality of the employee position in the operation of the department.

(2) Evidence of high turnover rates among employees filling the position or an extended period during which the position has been vacant.

(3) Evidence of a shortage of employees qualified to fill the position or a shortage of qualified applicants.

(4) Other relevant factors.

e. A retention bonus does not constitute “compensation” for purposes of retirement. Therefore:

(1) Member retirement contributions may not be deducted from the bonus.

(2) The bonus may not be considered when determining the amount of the state’s contribution to the Employees Retirement System.

f. A retention bonus is not considered to be “salary and wages.” Therefore,

(1) Member retirement contributions may not be deducted from the bonus.

(2) The bonus may not be considered when determining the amount of the state’s contribution to the Teacher Retirement System or the optional retirement program (ORP).

3.19. MANDATORY PAYROLL DEDUCTIONS.

a. For a list of Mandatory Deductions, please refer to the Texas Payroll/Personnel Resources page on the Comptroller’s FMX site at https://fm.x.cpa.texas.gov/fm/pubs/paypol/mandatory_deductions/index.php

b. A state agency may not make a deduction from the compensation paid to an officer or employee whose compensation is paid in full or in part from state funds unless the deduction is authorized by law.

c. To the extent that the laws, regulations, and rules of Texas or the United States do not specify the priority of deductions, the Comptroller by rule may determine the priority for compensation paid by a state governmental body.

d. The State *must* withhold money from salaries and wages paid to state officers and employees in accordance with applicable federal law, including federal law relating to withholding for purposes of the federal income tax. The State must make any required employer contributions in accordance with applicable federal law.

e. The Comptroller must make payments in accordance with applicable state and federal law. The Federal Insurance Contributions Act (FICA) is also known as the U.S. Social Security tax. It is composed of Old Age, Survivors, and Disability Insurance benefits (OASDI) and Medicare. All employees are subject to both types of FICA taxes (except State Active Duty (SAD) temporary employees who are performing duty in and emergency mission in accordance with IRS Code Section 218(c)(6).

3.20. OPTIONAL PAYROLL DEDUCTIONS.

a. For a full list of Optional Payroll Deductions, please refer to the Comptroller's Texas Payroll/Personnel Resources page on the Comptroller's FMX site at https://fmx.cpa.texas.gov/fm/pubs/paypol/voluntary_deductions/index.php.

b. Charitable Contribution Deductions.

(1) A state employee may authorize a deduction each pay period from their salary or wage payment for a charitable contribution as authorized by state law. In most cases, a state employee may authorize a deduction only during a state employee charitable campaign. However, a state employee who begins working for the State when a campaign is not being conducted may authorize a deduction according to the Comptroller's requirements.

(2) A state agency other than an institution of higher education is not required to permit an employee to authorize a deduction until the first full payroll period after the agency converts to a system in which uniform statewide payroll procedures are followed. In such situations, a state employee who works for a state agency that does not allow deduction authorizations may authorize a deduction that is effective with the first full payroll period after the agency is converted to a system in which uniform statewide payroll procedures are followed.

(3) A state employee who authorized a deduction while working for a state agency may continue the deduction after transferring to another state agency if the Comptroller's rules for continuing the deduction are followed.

(4) An authorization must direct the Comptroller to distribute the deducted funds to a participating federation or fund or a local charitable organization selected by the State Policy Committee as prescribed by rule. Deductions must be in the form prescribed by the Comptroller. The Comptroller by rule may establish a reasonable minimum deduction for each pay period.

c. Credit Unions Deductions. An employee may provide written authorization to make a deduction each pay period from the employee's salary to an account with an approved participating credit union.

d. Deductions for Membership Fees for Eligible State Employee Organizations. An employee may provide written authorization to make a deduction each pay period from the employee's salary or wage payment for payment of a membership fee of an eligible state employee organization.

e. Deductions for Supplemental Optional Benefits Program.

(1) An employee may authorize in writing a deduction each pay period from the employee's salary or wage payment for coverage of the employee under an eligible supplemental optional benefits program. A deduction may be made each pay period from the employee's salary or wage payment without authorization in writing from the employee for participation in a 401(k) plan as provided by state law.

(2) The Employees Retirement System of Texas (ERS) designates and administers the supplemental optional benefits programs that promote the interests of the State and state agency employees. The supplemental optional benefits program may include permanent life insurance, catastrophic illness insurance, disability insurance, prepaid legal services, or a qualified transportation benefit as determined by ERS.

f. **Withholding of Administrative Fee for Supplemental Deductions.** The state may withhold from the employee's salary or wage payment an administrative fee for making a supplemental deduction. The administrative fee may not exceed the lower of the actual administrative cost of making the deduction or the highest fee charged by the state or institution, as appropriate, for making another similar deduction.

g. **Deductions for Prepaid Higher Education Tuition Program.** The following prepaid tuition or college savings contracts can be paid through a payroll deduction: Texas Guaranteed Tuition Plan (formerly known as the Texas Tomorrow Fund), Texas Tuition Promise Fund, Texas College Savings Plan, and LoneStar 529 Plan. An employee may have one or more separate contracts in one or more of the available plans.

3.21. JURY SERVICE AND WITNESS FEES.

a. A deduction may not be made from the salary or wages of a state employee because the employee is called for jury service, including a deduction for any fee or compensation the employee receives for the jury service.

b. An employee who appears as a witness in an official capacity in a judicial proceeding or legislative hearing may not accept or receive a witness fee for the appearance.

c. An employee who appears as a witness in a capacity that is other than as a state officer or employee in a judicial proceeding or legislative hearing to testify from personal knowledge concerning matters related to the proceeding or hearing is entitled to receive any customary witness fees for the appearance.

d. An employee who appears as an expert witness in a judicial proceeding or legislative hearing may accept compensation for the appearance only if the person is not also compensated by the State for his or her time in making the appearance. Additionally, the state officer or employee may accept reimbursement for travel expenses only if the expenses are not reimbursed by the State. For these purposes, paid leave is not considered time compensated by the State.

e. An employee may receive reimbursement for travel and a per diem or reimbursement for expenses connected to an appearance in an official capacity as a witness in a judicial proceeding or legislative hearing only from the State or the judicial body, but not from both the State and the judicial body.

3.22. DIRECT DEPOSIT.

The State of Texas provides employees the option of being paid through direct deposit. TMD encourages all employees to use this payment option. State Human Resources provides all new employees information on how to receive pay through direct deposit and instructions on how to set this up through Centralized Accounting Payroll/Personnel System (CAPPS). Due to constraints in the HR/Payroll CAPPS System, employees may only make direct deposits into one account. Employees should contact State Human Resources or State Payroll for questions related to direct deposit.

3.23 PAY CARD.

- a. Pay cards for payroll or travel payments provide an optional alternative from warrants or direct deposit to a debit card. State employees can contact the payroll section to elect this option.
- b. The Comptroller's contract bank (the bank) loads the pay cards with the payment. Payees can then use the card at the point-of-sale or receive cash from an ATM. There is no fee for point-of-sale purchases, and other fees are nominal for the payee.
- c. The pay card program provides a convenient financial management tool to the payee and savings to the state from not printing and distributing warrants. Details regarding the use of pay cards are provided in TMDs Travel policy.

3.24. OVERTIME & COMPENSATORY TIME.

- a. In accordance with the provisions of the Fair Labor Standards Act (FLSA or the Act) and the Texas Government Code, TMD employees may receive compensation for time worked in addition to the employee's regular work schedule.
- b. Subject to prior supervisory approval, the compensation for the extra time worked by full-time employees will be credited as compensatory ("Comp") time or FLSA Overtime, depending on the circumstances and the employee's FLSA status.
- c. Employees will be compensated in the form of time off from work [except in limited circumstances, defined below, where payment is required by law or otherwise deemed appropriate].
- d. Supervisors shall ensure that any request to work additional time is justified to conduct necessary agency business.
- e. If for any reason an employee's State Comp time or FLSA Overtime exceeds the maximum balance as set forth in this policy, the supervisor must establish a plan to reduce the earning of Comp time and overtime in the future.
- f. Supervisors may require employees to work overtime as deemed necessary for agency needs.

g. FLSA Exempt or Non-Exempt Designations. State Human Resources will determine employee designation as Exempt or Non-Exempt based on the FLSA requirements and a review of an employee's actual job duties. The employee's classified or functional job title does not necessarily determine the employee's exemption from the FLSA requirements.

(1) **Exempt** employees are those that are *exempt* from the FLSA overtime provisions because they are employed in bona fide executive, professional, administrative or computer-related positions as defined in the Act.

(2) **Non-Exempt** employees are those that are subject to FLSA overtime provisions.

h. Work Week Defined. TMD's standard work week is defined as beginning at 12:00 AM Sunday continuing until 11:59 PM the following Saturday.

i. Earning State Comp Time.

(1) Employees must obtain supervisor's prior approval before extra time is worked and State Comp time is earned.

(2) State Comp time must be earned in increments of 15 minutes.

(3) State Comp time is accrued by an Exempt employee during a work week when the combined work hours exceed 40 in a workweek. Work hours consist of paid leave, holidays and actual hours worked.

(4) State Comp time is accrued by a Non-Exempt employee when that employee takes leave or when a holiday occurs, if the total number of hours worked (if less than 40 hours) plus any paid leave or paid holidays exceeds 40 in one workweek.

j. Employees and supervisors are responsible for ensuring a State Comp time balance does not exceed 160 hours for Exempt employees, 80 hours for Executive-Exempt employees or 80 hours for Non-Exempt employees.

k. Meal Periods.

(1) Employees will not earn State Comp time or FLSA Overtime during their meal period. Meal periods of 30 minutes or longer are not considered work time. Employees must be completely relieved from duty for the purpose of eating meals.

(2) Employees are not considered relieved from duty if they are *required* to perform any duties, whether active or inactive, while eating.

l. Assigned Place of Employment. No employee, whether subject to FLSA or not, may accrue State Comp time or FLSA Overtime for work conducted at any location other than the employee's regular or temporarily assigned place of employment or duty point. In no event shall an employee's personal

residence (including residences provided by the agency) be deemed to be the employee's full-time regular place of business/duty location unless designated in writing by the Adjutant General or designee

m. Travel Time and “On-Call” Status. If an employee is on travel status, Comp time or FLSA Overtime will be earned for hours on duty, to include travel to and from the job site. If an employee is required to be “on-call”, the time during which an employee is “on-call” and required to carry a cell phone or leave word where the employee may be reached (but does not involve performing an assignment) is not regarded as time physically worked and State Comp time or FLSA Overtime will not be earned.

n. Holiday Comp Time.

(1) Employees who must work on a designated national or state holiday will be allowed holiday compensatory time off for hours worked on a holiday, not to exceed eight hours per holiday. Holiday Comp time is earned as straight time.

(2) Holiday Comp time must be used during the 12-month period following the date of the holiday or it will be forfeited.

(3) Employees are required to give reasonable advance notice when taking Holiday Comp time; however, employees do not have to specify the reason for the request.

(4) A balance of Holiday Comp may be transferable to another state agency if the employee’s transfer to that agency is a direct result of the Legislature’s transfer of authority or duties from one agency or another.

o. Use of Accrued State Comp Time Before Lapsing.

(1) TMD will accommodate to the extent practicable an employee’s request to use accrued State Comp time. State Comp time off must be used within 12 months of the end of the work week in which it was earned, or it will be forfeited.

(2) Supervisors are encouraged to reasonably accommodate employee requests to use accrued State Comp time before it expires. If the request cannot be approved, alternative dates should be provided within the time period before the State Comp time will expire.

(3) State Comp time is not transferable to another state agency and employees will not be paid for any unused compensatory time.

(4) Separating employees may be allowed to remain on the payroll to exhaust any part of their unused State Comp time or Holiday Comp time up to the last day of the month in which they are separating with the exception of employees who are transferring to another state agency; these employees may be allowed to use any party of their unused State Comp Time or Holiday Comp time up to the date of their transfer. Employees must receive approval from their supervisor to use comp time.

(5) Retiring employees may request to use a maximum of 100 hours of accrued Comp time in conjunction with retirement.

p. State Comp Time Combined with Military Orders.

TMD will accommodate an employee's request to use the balance of the employee's accrued State Comp time before the Comp time expires.

q. State Comp Time for Emergency Services Personnel.

(1) Employees not subject to the overtime provisions of the federal FLSA and who qualify as emergency services personnel may be allowed to take State Comp time during the 18-month period following the end of the work week in which the Comp time was accrued.

(2) In those situations, in which an emergency personnel employee provides services during an emergency, the employee may be paid for all, or part of the Comp time accrued based on funds availability at the employee's regular hourly rate for all or part of the Comp hours accrued during the disaster in the preceding 18 months. The employee's Comp time balance will be reduced by one hour for each hour for which the employee is paid.

(3) Employees will annotate in the reason column of the monthly time sheet that the Comp time was earned during an emergency.

r. Exempt Employees.

(1) May earn State Comp time at the rate of one hour for each hour recorded in excess of 40 hours in a work week. The recorded hours may be any combination of actual hours worked, paid leave or holidays taken.

(2) Will be compensated in the form of time off from work and will not be paid for any unused State Comp time. State Comp time off must be used within 12 months of the end of the work week in which it was earned, or it will be lost.

(3) Are responsible for ensuring that a balance does not exceed 160 hours of State Comp time.

(4) Except for Executive-Exempt employees, supervisors must grant prior approval for employees to work hours in excess of their standard scheduled work week. Employees must obtain supervisor's prior approval before Comp time is taken.

s. Non-Exempt Employees.

(1) Will receive compensation for hours *physically worked* in excess of 40 hours in a work week. Paid leave taken and/or holidays taken during the work week are not counted as hours worked in determining FLSA overtime hours. Supervisors must grant prior approval for Non-Exempt employees to work hours in excess of their standard workweek.

(2) Are prohibited from working “off the clock” (i.e., without reporting the overtime worked). Non-exempt employees must report all time worked. Non-exempt employees should not work any time that is not authorized by their supervisor or manager. Employees with questions about when or how many hours they are expected to work should discuss this with their supervisor or contact State Human Resources.

(3) Can earn FLSA Overtime, State Comp time, Holiday Comp time, or a combination of all three. The following explains each situation:

FLSA Overtime: Non-Exempt employees will be compensated for any hours worked in excess of 40 hours in a work week in one of the following ways:

- By being allowed to or required to take FLSA compensatory time off at the rate of 1.5 hours for each hour worked in excess of 40 hours during the work week; or
- When granting FLSA compensatory time off is not practical, and with the approval of the Adjutant General or his/her designee, the employee will receive 1.5 times his/her regular rate of pay for each hour worked in excess of 40 during the work week; or
- The supervisor may require an employee to take off an afternoon, a day, or even an entire week to avoid the accumulation of additional overtime.

(4) Non-Exempt employees may accumulate up to 160 overtime hours which converted to straight time is 240 hours available Overtime leave. An employee engaged in fire protection or emergency response may accumulate an overtime credit up to 480 hours of FLSA Overtime. FLSA Overtime worked less than the total accumulation limit of 160 hours (240 converted hours) will not be paid unless approved by the Adjutant General or his/her designee.

(5) Accumulated FLSA Overtime leave may be rendered as pay (or “cashed out”) when:

- An employee’s converted overtime hours exceed the 240-hour limit; the employee will be paid for all hours over 240; or
- The employee’s position changes from Non-Exempt to Exempt –e.g. the employee receives a promotion, or the position is re-classified; or
- The employee transfers from one directorate to another and the funding source changes; or
- The employee separates from the agency.

(6) A Non-Exempt employee who is separating from state employment, to include retirement, (i.e. not transferring to another state agency) may request with approval from their supervisor, to remain on the payroll to exhaust their FLSA Overtime hours. An employee cannot remain on the payroll to exhaust any unused FLSA Overtime hours past his/her retirement date.

t. State Compensatory Time.

(1) When a Non-Exempt employee has not actually worked more than 40 hours in one work week, but the combined total of hours worked, paid leave or paid holidays exceeds 40 hours, the employee is allowed State Comp time off at the rate of one hour for each hour recorded in excess of 40 during one work week.

(2) State Comp time must be used within 12 months following the end of the work week in which it was earned and will not be carried forward past the end of the 12-month period. Employees and their supervisors are responsible for ensuring that the State Comp time balance does not exceed 80 hours for Non-Exempt employees.

u. Combination of FLSA Overtime and State Compensatory Time. In situations where a Non-Exempt employee has actually worked more than 40 hours in a work week and has paid leave or paid holidays in that week, the employee will receive FLSA Overtime hours for any hours worked over 40 plus State Comp time for any paid leave or paid holiday time used during that week.

v. Part-Time Employees.

(1) Part-time, Non-Exempt employees will be paid for any hours worked over their normal weekly schedule, but less than 40 hours for the week (i.e. a part-time, non-exempt employee who is regularly scheduled to work 20 hours per week, but works 30 hours will receive an additional 10 hours of pay). They will earn FLSA Overtime for any hours physically worked over 40 during a week.

(2) Part-time, Exempt employees will receive State Comp time for any hours worked over their normal weekly schedule, including any hours worked over 40.

3.25. WORKERS' COMPENSATION.

Workers' Compensation is Insurance coverage that provides income and medical benefits to employees who have a work-related injury or illness. The State Office of Risk Management is charged by Chapter 412 of the Texas Labor Code to administer insurance services obtained by state agencies, including the self-insured government employees' workers' compensation insurance program and the state risk management programs. Employees should refer to Chapter 10 of this manual for more information regarding Workers' Compensation benefits.

Leave and Absences

Revised: 09/01/2023

4.1. EMPLOYEE LEAVE – GENERAL.

a. All employees must account for their time worked and must also obtain approval and account for the type of leave taken during each month. Employees who are absent without proper approval may be subject to disciplinary actions.

b. Managers have discretion in establishing how their employees should request the use of leave (e.g., completing *TMD OSA HR Optional Form 4-01-OF*, *TMD Leave Request*, email etc.).

c. Except for unforeseen illness and injury, employees must request all leave in advance. Employees who are absent without authority and who do not notify their supervisors within three work days may be considered to have abandoned their position and may be terminated.

d. An employee who is absent from duty without authorization may be placed in Leave without Pay (LWOP) status for unauthorized absences and is subject to disciplinary action.

e. Leave requests must be entered online through the Centralized Payroll and Personnel Accounting System (CAPPS). Leave is not authorized unless approved by the supervisor. Approval is completed by the Supervisor through CAPPS.

f. Leave is charged in quarter-hour (.25) increments.

g. CAPPS desk aids are available online on the Texas Military Department (TMD) public website CAPPS page at – tmd.texas.gov.

4.2. APPROPRIATE USE OF LEAVE.

a. Management may not use vacation leave or sick leave balances as a criterion for any personnel action or require specific leave balances as a condition of employment. Supervisors can and should counsel employees regarding leave usage. It is important to remember that low leave balances are not absolute indicators of an employee's value to the agency. In counseling, supervisors should place emphasis on the reasons that caused the balances to be low, rather than the low balances themselves.

b. No state law or agency policy requires employees to maintain specific leave balances as a condition of employment. Both vacation and sick leave are entitlements granted to state employees by law, but use of such leave is subject to certain conditions. Supervisors should advise employees of the following conditions:

(1) Vacation and compensatory leave can only be granted with the approval of the employee's supervisor;

(2) The convenience and work of the agency is to be given first consideration when approving vacation and/or compensatory leave;

(3) Use of sick leave does not require prior approval, but the employee is required to provide notice and justification to the supervisor (or designee if the supervisor is unavailable) prior to the employee's scheduled reporting time;

(4) Sick leave can only be taken during the employee's own illness or during the illness of the employee's immediate family;

(5) When vacation leave or any other form of paid leave is used as sick leave, the policies and procedures applicable to the use of sick leave will apply (e.g., medical certification requirements and sick leave use restrictions); and

(6) For any absence based on medical need (illness or injury of the employee, or to care for a family member) of more than three consecutive work days, certification from a health care provider of the need to miss work must be provided as soon as is practicable (generally no later than upon return to work).

(7) If the absence qualifies as FMLA leave, the FMLA medical certification and recertification requirements and deadlines will apply to the absence. If required medical certification is not provided, sick leave cannot be used to cover the absence and the period of absence will be unexcused.

(8) Failure to provide proper notice of absence, unless justified by compelling circumstances, results in the absence being unexcused, subjecting the employee to disciplinary action. Three consecutive days of unexcused absence is regarded as job abandonment and is grounds for termination of employment.

(9) Employees who take sick leave in violation of agency policy or state law are subject to disciplinary action.

(10) Supervisors will advise employees of the criteria established by state law and agency procedure concerning the appropriate use of leave and notify employees of the proper method of requesting vacation leave and of the requirement of notifying the supervisor prior to the scheduled reporting time when taking sick leave.

4.3. UNAUTHORIZED ABSENCES.

a. Attending work is an essential function of every position at TMD. Accordingly, an absence may be disruptive unless an employee is on approved leave to cover the absence. Unauthorized absences could amount to unacceptable conduct or job abandonment. Such absences include:

(1) Taking non-sick leave, such as annual leave, without explicit prior approval

(2) Failing to properly notify department management of an absence due to an unexpected situation (e.g., illness, emergency, weather, traffic accident)

(3) Failing to report to work without permission

(4) Failing to return to work upon the expiration of approved leave

(5) Leaving the workplace without permission

(6) Failing to account for the employee's full scheduled work hours during a work week (i.e., 40 hours of work or approved leave for a full-time employee)

b. Department management may also request documentation regarding the absence and note the unauthorized status of the absence in CAPPS. Unless the employee produces a satisfactory explanation for an unauthorized absence, corrective or disciplinary action, up to and including termination of the employee's at-will employment may result.

4.4. LEAVE RECORDS.

a. TMD is required to and maintains a record of time and attendance for each of its employees. Such records include: the accrual and use of vacation and sick leave, the reason an employee takes leave if the law requires the employee to inform the department of the reason, and whether any leave taken is accounted for as sick leave, vacation leave, other paid leave, leave without pay, other absence, and documentation for certain other absences (e.g., jury duty, military leave).

b. Leave transactions and balances are maintained in the Centralized Accounting and Payroll Personnel System (CAPPS) which is administered by the Texas Comptroller of Public Accounts (CPA). Supervisors and employees share responsibility for the accuracy of all leave records. Employees are responsible for entering their leave requests in a timely manner. Supervisors are responsible for approving, denying, changing or canceling their employees' leave requests in a timely manner and as appropriate.

c. In circumstances where the employee is unable to enter their leave request, the supervisor is responsible for entering the leave request for the employee.

4.5. LEAVE MANAGEMENT.

a. All employees are assigned a work schedule in CAPPS – the number of schedule hours is listed below each day of the week on the CAPPS timesheet. This does not account for reporting times or departure times, just the total number of work hours each day. Managers should coordinate with State Human Resources when changes to the regular work schedule are needed; schedule changes will be effective the first day of the FLSA workweek (Sunday). *TMD OSA HR Form 4-02 TMD Work Schedule Request* (see Appendix 1) must be submitted to State HR at hr@military.texas.gov.

b. Generally, scheduled hours on the CAPPS timesheet are automatically processed/paid and employees should only enter exceptions to their work schedule. An entry on the CAPPS timesheet is only required when an employee:

- (1) Takes leave (including leave without pay);
- (2) Works hours outside of his or her regular schedule; and/or
- (3) Works on a holiday OR is scheduled to work more than eight hours on the date of a holiday.

c. Unique CAPPS timesheet entry requirements apply to employees in the Ellington Fire Department because of their 24-hour duty shifts; refer to Chapter 7, section 7.1., Employees Assigned to Fire Protection Activities for more information.

d. Time Reporting Codes (TRCs) are used on the CAPPs timesheet to identify the type of time or leave being entered. For a list and description of TRCs, training resources and detailed procedures, see the CAPPs Reference Documents at: <http://cappstraining.cpa.texas.gov/>. Common Time Reporting Codes:

- REGHR: Additional hours on a normal workday or hours worked on a day that you are scheduled to be off

Helpful Hint: Enter the total number of hours to be worked on the specified day (e.g., if you are scheduled to work 8 hours but work 2 hours over your scheduled hours, then you would enter 10 hours of REGHR).

- REGHW: Hours worked on a holiday

Helpful Hint: If you are scheduled to work 8 hours and the total hours worked on a holiday is greater than 8 hours, use REGHW for 8 hours and REGHR to enter the additional hours worked. Example: The total hours worked is 10: 8 hours are entered using REGHW, and 2 hours are entered using REGHR. Similarly, if you are a part-time employee and you are scheduled to work 4 hours but work 2 hours over your scheduled hours, then you would enter 4 hours of REGHW and 2 hours of REGHR.

- ADMLT: Administrative leave
- ANLVT: Vacation leave
- COMPT: Compensatory leave
- FLSAE: Overtime hours banked at 1.5
- FLSAT: FLSA overtime leave
- HCMPT: Holiday compensatory leave
- LWPEO: Leave Without Pay
- SCKBT: Sick leave bonus
- SICKT: Sick leave

4.5.1. EMPLOYEE RESPONSIBILITIES.

a. Every TMD employee is responsible for ensuring that all absences and extra hours worked are entered into the electronic leave system at the end of each work week (or as soon as possible). All leave must be entered in 15-minute increments. Employees are responsible for:

(1) Completing CAPPs entries for leave taken and compensatory or overtime hours worked in a timely manner to ensure accurate leave balances. Incorrect or untimely entries may impact, or delay employee pay or benefits. Generally, employees should enter on their CAPPs timesheet extra time worked and leave taken as actions occur, but not later than weekly.

(2) Providing supporting documentation to HR for any leave that requires it (e.g., military leave, jury duty, volunteer firefighter training, etc.).

(3) Completing Time Certification in CAPPs between the 1st and 10th of each month (this is equivalent to signing the timesheet and is separate from the weekly submission of extra time worked and leave).

b. Failure to submit or maintain accurate leave records may be grounds for corrective or disciplinary action, up to and including termination of an employee's at-will employment.

4.5.2. MANAGER/SUPERVISOR (CIVILIAN OR MILITARY) RESPONSIBILITIES.

a. Managers/supervisors will ensure that leave records are accurately maintained and must timely notify the State HR if an employee falls into an unpaid status. They are also responsible for:

(1) Monitoring, reviewing, approving, and/or correcting time worked or leave entered by an employee on a timesheet.

(2) Approval or modification of submitted leave or extra time worked by close of business Friday of each week.

(3) Entering time and leave on behalf of employees under their supervision in the employees' absence. Managers may delegate this responsibility to a designated Time Administrator within their department. This delegation of authority and responsibility must be in writing and submitted to State HR.

b. Managers/supervisors will take corrective and/or disciplinary action against an employee who does not maintain accurate leave records.

4.5.3. TIME ADMINISTRATORS' RESPONSIBILITIES.

With written authorization from a manager(s) within their department, the Time Administrator may act on their behalf to perform duties related to the entry in CAPPS of employee extra time worked and leave.

4.5.4. STATE HR CAPPS SUPERUSERS RESPONSIBILITIES.

State HR staff provides oversight for other roles and can monitor, review, approve and correct time on behalf of an employee or manager as needed or upon request.

4.6. ANNUAL (VACATION) LEAVE.

a. Per state law, employees of the Texas Military Department accrue a specified amount of paid annual leave (also known as "Vacation Leave") each month. Although TMD employees are not required to maintain a minimum annual-leave balance, they are encouraged to maintain a sufficient balance to prevent unpaid absences.

b. TMD recognizes the benefits of taking a break from work to help maintain a proper work-life balance. Nevertheless, approval of annual leave is not automatic. To use accrued annual leave, an employee must obtain explicit prior approval from management unless the employee is using annual leave for an absence covered by the Family and Medical Leave Act.

c. Employees will request annual leave as far in advance as possible to ensure workload coverage. While every attempt will be made by management to approve a timely leave request, management has the authority and responsibility to use its discretion to ensure that adequate staff remain on duty in order to perform the work of the department.

d. Failure to get prior approval before using annual leave may lead to an unauthorized absence, which

could result in corrective or disciplinary action. Making plans, such as purchasing airfare, should not be made until approval has been confirmed.

4.6.1. ACCRUALS.

- a. Employees begin to accrue vacation leave on their first day of employment and on the first calendar day of each succeeding month of state employment. Vacation leave and is posted to the employee’s leave record on the first day of employment and on the first of each succeeding month of employment thereafter.
- b. If an employee is on any type of paid leave that extends into the following month, the employee’s accrual of leave will not be posted until the employee returns to duty. This means the employee may not take vacation leave accrued for that month until the employee returns to work. An employee forfeits this accrual if he or she does not return to duty.
- c. Vacation leave accruals for full-time employees are the same whether they are hourly or salaried employees. Part-time hourly and salaried employees are also eligible for vacation leave, but their accrual rate is proportionate to the number of hours they work. The amount of vacation leave an employee accrues is also determined by his or her length of state service. To determine an employee’s length of state service, actual days, months, and years of total state employment are counted.
- d. Employees may carry unused vacation leave forward from one year to the next. The amount of allowable carryover hours depends on the length of state service and the number of hours worked. State employees who are employed by multiple state agencies or institutions of higher education may not accrue vacation leave at a rate that exceeds that of a full-time employee. See table below.

Schedule of Vacation Leave Accruals for Full-Time Employees

Length of Service	Hours Accrued per Month	Days Accrued per Year	Allowable Carryover (Hours)
Less than 2 years	8	12.0	180
At least 2 but less than 5 years	9	13.5	244
At least 5 but less than 10 years	10	15.0	268
At least 10 but less than 15 years	11	16.5	292
At least 15 but less than 20 years	13	19.5	340
At least 20 but less than 25 years	15	22.5	388
At least 25 but less than 30 years	17	25.5	436
At least 30 but less than 35 years	19	28.5	484
At least 35 years or more	21	31.5	532

- e. Credit for the higher rate of vacation accrual begins on the first calendar day of the month if the employee’s longevity date anniversary falls on the first calendar day of the month; otherwise, the increase occurs on the first calendar day of the following month.
- f. Accumulated, unused vacation leave, not to exceed the allowed maximum, is carried over from the end of a fiscal year to the beginning of the next. Any vacation hours in excess of the maximum are

credited to the employee's sick leave balance on the first day of the new fiscal year.

g. Employees transferring directly to TMD from another state agency receive credit for verified vacation leave balances as of the date of the transfer.

h. Retirees. The annual leave of a return-to-work ERS retiree who retired on or after June 1, 2005, and who returns to state employment will be computed based only on the length of state employment after the rehire date -- not the years of total state service. A return-to-work ERS retiree who retired on or before June 1, 2005, should contact payroll@military.texas.gov for information on accrual rates.

4.6.2. VACATION LEAVE USAGE.

a. Employees must complete six (6) months of continuous state service before they can use vacation leave.

b. Employees must obtain supervisor approval before taking vacation leave. Employees enter vacation leave requests in CAPPs. Supervisors must try to accommodate employee requests, but agency business receives first consideration.

e. In case of an employee's death, the state pays the employee's estate for unused vacation leave based on the hourly wage in effect at the time of death.

4.6.3. NEW HIRES.

a. Newly hired employees must be especially aware of when and how they can use annual leave. A new employee with no previous state employment may take annual leave only after completing six months of continuous employment at TMD.

b. A new employee who transferred directly from another state agency or institution of higher learning and who already had six months of continuous state employment may immediately take any transferred and accrued annual leave.

c. A new employee who transferred directly from another state agency or institution of higher learning without having six months of continuous state employment may take any transferred and accrued leave once he/she has six months of state employment.

d. An employee with previous state service of at least six months but who had a break in service may take annual leave as it is earned at TMD.

4.6.4. SEPARATIONS.

TMD employee separating from the agency must be aware of the following rules governing annual leave:

a. Transfers to Another State Entity. If an TMD employee with at least six months of state service transfers to another state entity within 30 days of separating from TMD, the employee's annual-leave balance will be transferred to the employee's leave balance at the new state employer.

b. Lump-Sum Payments. A separating employee with at least six months of state service and who is

not transferring to another state entity may receive a lump-sum payment for any unused annual leave. The lump sum payment will be processed within 60 days from the date of separation.

c. Recently Hired Employees. An employee who separates from TMD before completing six months of continuous state employment and who does not transfer to another state entity cannot receive payment for his/her annual-leave balance upon separation.

d. Retiring Employees. Unused annual leave may be added to state service and/or used to increase the monthly retirement annuity. Retiring employees should refer to the [ERS website](#) for specific information regarding the use of unused vacation leave as it applies to their retirement plan.

e. Exhausting Annual Leave.

(1) Upon approval from the supervisor/manager, a separating employee may elect to remain on the payroll and exhaust all or part of his/her annual leave (and other non-sick leave, such as compensatory time and holiday compensatory time) until the end of the month. The separating employee, however, may not continue on leave or compensatory time into a new month.

(2) A separating employee who is exhausting leave cannot accrue additional sick leave or annual leave. In the case of a direct transfer to another state entity, leave will not run past the starting date at the new state employer.

(3) If a separating employee is allowed to exhaust some or part of his/her annual leave, the supervisor/manager is responsible for entering or having the employee enter the absences into the CAPPS.

4.7. SICK LEAVE.

TMD is committed to complying with all state and federal laws concerning the health of employees. Pursuant to state law and as part of this commitment, TMD provides its employees with paid sick leave to cover illnesses, injuries, and other health conditions that may require employees to be absent from work under certain circumstances.

4.7.1. ACCRUALS.

a. TMD employees begin earning sick leave on the first day of employment. Full-time employees accrue sick leave at the rate of eight hours per month. Part-time employees accrue sick leave at a proportionate rate.

b. As long as an employee is in a paid status during any part of a month, the employee will earn his/her full sick-leave accrual for that month.

c. Unused sick leave carries forward each month.

d. There is no limit as to how many sick-leave hours an employee may maintain.

4.7.2. SICK LEAVE USAGE.

a. An employee is eligible to use sick leave from the first day of employment when illness or injury

prevent performance of duty or when needed to care for and assist immediate family members who are ill.

b. Employees who must be absent from duty because of personal or family illness/injury must notify their supervisor not later than the date and time they were due to report for duty. Employees must enter a sick leave request into CAPPs immediately upon returning to duty after using sick leave. Supervisors may enter sick leave usage for their employees in CAPPs when appropriate.

c. For purposes relating to regular sick leave, immediate family is defined as:

- (1) individuals related by kinship, adoption, or marriage who reside in the same household,
- (2) minor children, whether or not living in the same household, and
- (3) foster children certified by the Texas Department of Family and Protective Services.

d. Sick leave may be taken for the following reasons:

(1) Any sickness, injury (including a workplace injury), pregnancy, or other health condition that prevents the employee from performing work;

(2) A medical appointment for diagnostic, preventative, or treatment purposes; Sick leave may be taken for the following individuals:

- The employee;
- An employee's ill minor child, regardless of where the child lives;
- An ill individual who is related by kinship, adoption, or marriage *and* who lives in the employee's household;
- An ill state-certified foster child who resides in the employee's household; or
- A spouse, child, or parent of the employee who does not live in the employee's household (but medical documentation must be provided).

e. The use of sick leave for family members not residing in the employee's household is strictly limited to the time necessary to provide care and assistance to a spouse, child of any age, or parent of the employee who needs such care and assistance as a direct result of a documented medical condition.

f. A state employee may use the amount of sick leave that would be necessary to recover from pregnancy and childbirth for the adoption of a child under three years of age.

g. A state employee, who is the parent of a child, may use their sick leave in conjunction with the child's birth only if the child is actually ill or to care for their spouse while she is recovering from labor and delivery.

h. Employees should also be aware that department management may require the use of accrued sick leave when directed by agency policy; or the changing of sick leave to a type of appropriate leave (such as annual leave) if an absence does not qualify for sick leave.

4.7.3. SICK LEAVE ABUSE.

a. Sick leave will not be used except in a way identified in this policy. Employees are especially reminded that sick leave cannot be used for reasons such as:

- Supplementing exhausted annual leave
- Vacations, weddings, family gatherings, and other personal events
- Outside employment or outside legal representation
- Sick pets
- Non-relative roommates, friends, or live-in companions who are ill or injured
- Bonding or caring for a *healthy* newborn by a father
- Bonding or caring for a *healthy* newborn by a mother after the prescribed post-delivery recovery period.
- Grandparents, aunts, or uncles who do not reside in the employee's household
- Tardiness that is not health-related
- Fitness Activities
- Abusing sick leave or providing false or misleading information regarding sick leave amounts to unacceptable conduct and could lead to corrective or disciplinary action.

b. Supervisors/managers are encouraged to seek advice from the Director of Human Resources, or designee, if sick-leave abuse is suspected.

4.7.4. PLANNED SICK LEAVE.

For planned health-condition events, such as medical check-ups and regular dental appointments, employees are encouraged to obtain prior approval from the supervisor/manager to minimize any disruption that an absence might cause. Supervisors/managers, however, will not deny an employee's request to take sick leave for a planned health event without good cause.

4.7.5. UNPLANNED SICK LEAVE.

An employee who must unexpectedly be absent from work because of a health condition will notify their supervisor/manager pursuant to the method they have established. (If there is no established method, the employee must notify his/her supervisor, or designee, within thirty minutes after the employee's start time, preferably via telephone, and provide a manner to be contacted. If the employee is unable to make the notification, a representative of the employee may do so.) If an absence lasts for more than one day, the employee must provide timely notification each day unless other arrangements are made with the supervisor/manager.

4.7.6. CATASTROPHIC ILLNESSES & SPECIAL SITUATIONS.

Employees who have exhausted their sick leave and are affected by catastrophic illnesses or other health conditions may be entitled to sick-leave hours under TMD's Sick Leave Pool policy (see Section 4.10. of this manual.

4.7.7. DOCUMENTATION REQUIREMENTS AND RETURNING TO WORK.

a. Certification of the need to miss work from a health care provider is required for any absence from work based on medical need (whether of the employee or a family member) covering a period of more than three (3) consecutive work days, regardless of whether sick leave or any other form of leave is used in connection with the absence. Medical certifications are to be kept in a special secured confidential file, to be kept separate from the employee's regular personnel file. No medical information should be entered in the CAPPS timesheet.

b. To ensure proper leave records, employees will promptly enter the sick-leave absence into CAPPS upon returning to work with a brief description for the sick leave (e.g., "illness," "injury," "medical appointment") in the comments section for the entry.

c. The requirement to provide such documentation for absences of three (3) days or fewer is at the discretion of the Adjutant General or Director of State Administration as designee.

4.7.8. SEPARATIONS.

Separating from TMD may affect an employee's sick leave as follows:

a. With respect to a transfer between state entities without a break in service, an employee will have his/her accrued sick-leave balance transferred to the new state employer.

b. Employees separated from employment with the state under a formal reduction in force (RIF) have their unused sick leave balance restored if reemployed by the state within 12 months after the end of the month following their separation. Employees separated for other reasons shall also have sick leave balances restored if:

(1) Re-employed by the same agency within twelve months of separation provided there has been a break in service of at least thirty calendar days since separation; or

(2) Re-employed by another agency or institution other than the one from which the employee separated, within twelve months after the end of the month of separation.

c. An employee who retires may be entitled to ERS service credit based on his/her sick-leave balance as of the last day of employment. Retiring employees should refer to the [ERS website](#) for specific information.

d. Separating employees may donate sick-leave hours to the Sick Leave Pool, but such hours cannot be used towards ERS service credit and may not be reinstated except in rare situations.

4.7.9. PAYMENT OF SICK LEAVE.

A current employee is not entitled to payment for any sick leave balance during or after employment except in the event of the employee's death. In such a situation, half of the deceased employee's sick leave balance or 336 hours of sick leave, whichever is less, will be paid to the employee's estate.

4.8. USE OF SICK LEAVE FOR EDUCATIONAL ACTIVITIES.

An employee of TMD may use up to eight hours of accrued sick leave each fiscal year to attend educational activities of the employee's children who are in pre-kindergarten through 12th grade. The employee must give reasonable notice to his/her supervisor(s) of the intention to use this leave. Unless the absence will cause an unreasonable disruption to the department's operations or for other good cause, the request will be granted. Educational activities involve school-sponsored activities, such as parent-teacher conferences; field trips; classroom programs; school committee meetings; academic competitions; and athletic, music, or theater programs. Absences for approved educational activities will be entered as "EDACT" in CAPPS.

4.9. SICK LEAVE DONATION PROGRAM.

a. The same sick leave usage policies outlined in the Sick Leave Usage section of this manual apply to the donated sick leave program, unless otherwise specified below.

b. Employees should use discretion in connection with the donation of sick leave. All medical information, including another employee's use or exhaustion of sick leave, is confidential. An employee in need of sick leave donations may disclose the need to others but must not solicit or coerce donations nor disclose who has or has not donated sick leave.

c. Because the donation of sick leave hours must be done voluntarily and without any workplace disruption, explicit solicitation of donations by a potential recipient or management is prohibited. Unacceptable solicitation also includes repetitive communications or those that exert pressure or violate the agency policy.

d. Upon separation (whether by interagency transfer, resignation, retirement, involuntary separation, or death), any unused donated sick leave balance will be recorded as lost. If the employee terminates employment and is subsequently rehired by TMD, the sick leave hours that were lost cannot be reinstated. Additionally, In the event of an employee's death, any donated sick leave balances will not be paid to the employee's estate.

4.9.1. DONATING SICK LEAVE.

a. An employee who donates accrued sick leave:

(1) Must donate on a voluntary basis;

(2) Can donate sick leave hours in any amount (in 1-hour increments) with no minimum or maximum;

(3) Can donate sick leave to more than one recipient; and

(4) Will lose ownership of and access to sick leave hours they choose to donate (donated sick leave hours are considered used and will not be restored).

(5) Must not accept a gift, benefit, or payment in exchange for a sick leave donation; and cannot retract a submitted donation or change the intended recipient after the sick leave hours have been

deducted from the donating employee's sick leave balance (even if the donation is subsequently refused or unused).

b. Donors of sick leave will not be disclosed by TMD to recipients to prevent employees from providing or receiving any compensation, gift, or other benefit in exchange for a sick leave donation.

c. To donate sick leave to an employee who has exhausted all sick leave, submit *TMD OSA HR Form 4-03, TMD Direct Donation – Donor Form* (see Appendix 1) to State HR at benefits@military.texas.gov. The State HR FMLA & ADA Coordinator will deduct the donated amount from the donating employee's sick-leave balance. The appropriate State HR representative will then review the receiving employee's leave balances and history to determine when the donated sick leave can be transferred to the receiving employee.

4.9.2. REQUESTING AND RECEIVING SICK LEAVE DONATIONS.

a. An employee who requests/receives a sick-leave donation:

(1) Must have exhausted all of their sick leave balances, including any awarded sick leave pool;

(2) Must have a combined total balance of other accrued leave (annual, compensatory time or overtime) of less than 40 hours;

(3) Must not provide a gift, benefit, or payment in exchange for the sick-leave donation;

(4) Must use donated sick leave only for purposes that accrued sick leave may be used: when the employee is prevented from performing his or her job due to sickness, injury, pregnancy or confinement; or to care for the employee's immediate family member who is ill;

(5) Cannot receive service credit in the Employees Retirement System of Texas for any donated sick leave that is unused on the last day of employment;

(6) Cannot subsequently donate any sick leave received as a donation; and may refuse a donation.

(7) Cannot transfer the donated sick leave to another state agency;

(8) May use the donated sick leave hours intermittently;

(9) Must exhaust accrued sick leave before using donated sick leave; and

(10) Will not be notified by TMD of the identity of the donor.

b. To request sick leave donations, submit *TMD OSA HR Form 4-04, TMD Sick Leave Direct Donation – Recipient Form* (see Appendix 1) to State HR at benefits@military.texas.gov. State HR will promptly notify the receiving employee of the any received donation and if necessary, explain when the sick leave donation will be transferred. When informing the receiving employee of the donation, State HR will not reveal the identity of the donor(s).

4.10. SICK LEAVE POOL (SLP) PROGRAM.

a. TMD recognizes that a catastrophic illness or injury can exhaust the accumulated paid leave of an affected employee. To help employees in such catastrophic situations, TMD has established a sick leave pool consisting of sick leave hours voluntarily donated by TMD employees. An employee becomes eligible to withdraw time from the sick leave pool if the employee has exhausted his or her sick leave because of a catastrophic illness or injury of the employee or of a member of the employee's immediate family.

b. Definitions:

(1) Immediate family is defined as those individuals related by kinship, adoption, marriage, or foster children who are so certified by the now the Health and Human Services Commission who are living in the same household, or if not in the same household are totally dependent upon the employee for personal care or services on a continuing basis.

(2) Catastrophic injury or illness is a *severe condition or combination of conditions* affecting the mental or physical health of the employee or the employee's immediate family that requires the services of a *licensed practitioner* for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose sick leave compensation from the state for the employee.

(3) Severe condition or combination of conditions means a medically verified, life threatening injury or illness, or a medically verified debilitating injury or illness of an extreme magnitude.

(4) Licensed practitioner means practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his or her license.

c. An employee may draw from the sick leave pool only with the approval of the pool administrator or designee.

d. Employees with a catastrophic illness or injury do not have to contribute to the Sick Leave Pool to receive/use pool leave.

e. Any unused balance of SLP granted to an employee is returned to the pool if not used within the month it is granted. The estate of a deceased employee is not entitled to payment for any unused balance of sick leave pool.

f. An employee may receive up to 720 sick leave hours in their career from the sick leave pool if the employee has exhausted all accumulated paid leave and has a catastrophic illness or injury affecting the employee himself/herself or a member of the employee's "immediate family".

g. The Director of Human Resources is responsible for managing the sick leave pool and may assemble a committee to determine whether an employee has adequately demonstrated proof of a catastrophic illness or injury.

4.10.1. ADMINISTERING THE SICK LEAVE POOL.

a. TMD's sick leave pool (SLP) is administered by the State Human Resources Director. Requests are

reviewed on an individual basis to determine whether the condition is severe enough to be considered catastrophic or life-threatening.

b. TMD does not generally consider certain medical conditions (with minor or no complications) to be severe enough to be categorized as catastrophic injuries or illnesses. Examples of medical conditions not generally considered catastrophic include but are not limited to:

- (1) pregnancy;
- (2) broken limb;
- (3) back pain and injuries;
- (4) cold/allergies;
- (5) whiplash;
- (6) sprains;
- (7) tendonitis;
- (8) carpal tunnel syndrome;
- (9) migraine headaches;
- (10) fatigue; and
- (11) any condition(s) effectively managed by medication.

c. Examples of illness/injuries generally considered severe enough to be catastrophic include but are not limited to:

- (1) stroke with residual paralysis or weakness;
- (2) severe heart attack;
- (3) kidney failure;
- (4) cancer;
- (5) potentially fatal tumors;
- (6) amputations; and
- (7) life-threatening complications following a surgery (for example, blood clots traveling to the lungs, or severe hemorrhaging).

4.10.2. SICK LEAVE POOL MAXIMUM.

a. TMD administers available pool leave on a first-come, first-served basis. A part-time employee is granted sick leave pool (SLP) on a pro rata basis.

b. Per catastrophic illness or injury, TMD may grant an eligible employee, regardless of tenure, the lesser of:

(1) up to a maximum of one-third of the balance of the hours available in the pool at the time a request that meets all requirements is received by the SLP Administrator; or

(2) up to 240 hours.

c. An employee may receive up to a career maximum of 720 sick leave pool hours.

4.10.3. INTERMITTENT USE OF SICK LEAVE POOL.

Sick Leave Pool (SLP) may be used intermittently when approved by HR. An employee approved to use SLP intermittently must continue to exhaust any accrued annual and sick leave balances as they become available prior to using approved SLP leave.

4.10.4. SICK LEAVE POOL DONATIONS.

a. Donations to the SLP are strictly volunteer. An employee may donate an unlimited number of accrued sick leave hours to the pool in eight-hour increments, except for retiring employees.

b. Current Employees: To donate sick leave to the pool, a current employee must submit *TMD OSA HR Form 4- Sick Leave Pool or Family Leave Pool Donation Form* (see Appendix 1) via email to benefits@military.texas.gov. Sick leave pool donations must be in increments of eight hours. Upon receipt of a Sick Leave Pool Form, the State HR FMLA & ADA Coordinator will credit the pool with the donation and will deduct a corresponding amount from the donating employee's sick leave balance. Current employees who donate sick leave to the pool cannot reclaim the leave unless they exhaust their sick leave balance in the same fiscal year as the donation is made; only the number of hours donated that fiscal year can be reclaimed.

c. Separating, Non-Retiring Employees: Employees who leave state employment are especially encouraged to donate to the sick leave pool. Therefore, the Sick Leave Pool and Family Leave Pool Donation Form is provided to every separating employee. Donations from non-retiring employees must be made in increments of eight hours and can be made up to 12 months after separation but cannot be restored if the donating employee returns to state employment. Managers must submit completed Sick Pool and Family Leave Pool Donation Form (along with all other required documents) to hr@military.texas.gov on or before the effective date of the donating employee's separation.

d. Retiring employees: Retiring employees are also encouraged to donate to the sick leave pool through a Sick Leave Pool Form. Although retiring employees may donate accumulated sick leave to the pool in any amount, they may not receive additional ERS retirement credit for hours donated to the sick leave pool. Department management must promptly submit completed donation forms to hr@military.texas.gov on or before the effective date of the retiring employee's separation.

4.10.5. SICK LEAVE POOL WITHDRAWALS.

a. A current employee desiring to request sick leave from the pool must submit three (3) forms: *TMD OSA HR Form 4-07a*, *TMD Sick Leave Pool Withdrawal Application Form*, *TMD OSA HR FORM 4-07b*, *TMD Sick Leave Pool Withdrawal Medical Certification Form*, and *TMD OSA HR Form 04-7c*, *TMD Sick Leave Pool Withdrawal Recipient Acknowledgement Form* to benefits@military.texas.gov (see [Appendix 1 for forms](#)).

b. The employee must provide medical documentation from his/her licensed healthcare provider(s) treating the illness or injury for which the sick leave pool hours are being requested. The documentation must provide sufficient information regarding the illness or injury, including a description of the condition, the prognosis, and the anticipated return-to-work date. The actual hours requested by the employee must not conflict with information provided by the licensed healthcare provider(s).

c. The appropriate Human Resources representative will brief the Director of Human Resources on the request. The Director of Human Resources may form a committee to review the request and provide a recommendation.

d. In reviewing the request, the following factors will be considered:

- the illness or injury;
- the information provided by the employee on the Sick Leave Pool Form;
- the documentation from the licensed healthcare provider(s);
- the employee's current accumulated leave balances; and
- the amount of sick leave available in the pool.

e. For employees not protected by the Family and Medical Leave Act, the Director of Human Resources or designee(s) will also consider the following factors:

- the duration of the projected absence;
- the impact of the projected absence and potential hardship on the department or agency;
- the employee's prior use of leave;
- the employee's past performance and conduct; and
- whether the employee has previously received sick leave pool hours.

f. The Director of Human Resources may grant a maximum of 240 hours from the sick leave pool per request. The employee may reapply for additional sick leave pool hours if the amount previously granted is insufficient to cover the employee's absence(s). In no event will the total sick leave pool hours allocated to an eligible employee for any one catastrophic illness or injury exceed 720 hours or one-third of the agency's sick leave pool balance, whichever is less.

g. If sick leave pool hours are granted, the State HR FMLA & ADA Coordinator will credit the employee with the approved sick leave pool hours and will notify the employee and his/her supervisor/manager.

h. An employee using sick leave pool hours still accrues annual leave and sick leave at the beginning of each month. Nevertheless, an employee who is on leave on the first working day of a month may not use the leave he/she accrues for that month until he/she returns to work. When new leave becomes

available, the employee must exhaust the newly accrued leave prior to using additional sick leave pool hours.

i. An employee who receives a denial of a request for sick leave pool hours may resubmit the request with additional documentation.

4.10.6. LIMITATIONS AND DISCLAIMERS.

a. This policy amounts to a full notification to all employees of the existence and availability of the agency's sick leave pool.

b. TMD is not required to personally inform any TMD employee of the sick leave pool.

c. Granting sick leave from the sick leave pool does not alter an employee's at-will employment status and/or create a contract between the employee and TMD.

d. An employee who receives sick leave hours from the pool may use such hours only for the catastrophic illness or injury for which the leave was granted.

e. Sick leave granted from the sick leave pool can be revoked at any time, including upon separation from the agency or when the employee is released to return to work.

f. Employees not protected by the FMLA are not guaranteed the same job upon returning to work or to other protections covered by the FMLA.

g. Providing false or misleading information to obtain sick leave pool hours and/or other abuse may lead to the revocation of sick leave pool hours, an investigation, disciplinary action, and/or criminal prosecution.

h. The estate of a deceased employee is not entitled to payment for unused sick leave assigned from the pool.

i. Job-related illnesses or injuries covered by Workers' Compensation may not qualify an employee for leave from the sick leave pool.

j. Applying for sick leave under the sick leave pool authorizes TMD to contact the employee's healthcare provider(s) to verify information provided in the employee's request and attachments.

k. Sick leave donated to the pool may not be designated for use by a particular employee.

l. Unused donated sick leave pool hours will be returned to the sick leave pool.

4.10.7. RETURN TO WORK.

If a licensed healthcare provider releases an employee to return to work or does not extend the duration of the absence, the employee must return to work as provided in the medical documentation. Otherwise, the employee may be considered to have abandoned his/her position. Separation from the agency may follow.

4.11. FAMILY AND MEDICAL LEAVE ACT (FMLA) LEAVE.

The Texas Military Department complies fully with the federal Family and Medical Leave Act (FMLA) and the National Defense Authorization Act as well as any similar state statutory leave provisions. These laws recognize the need for balancing family, work, and personal obligations, and entitle eligible employees to certain protections. Along with this policy, employees needing FMLA information can access [FMLA Frequently Asked Questions](#).

4.11.1. FMLA GENERAL INFORMATION.

a. The FMLA requires the agency to provide an eligible employee with job-protected leave for:

- (1) the birth, adoption, or foster placement of a child;
- (2) a serious health condition of the employee or a spouse, parent, or child of the employee;
- (3) qualifying events arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member; and
- (4) the care of a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member.

b. In addition to the protected leave, other FMLA safeguards include:

- (1) restoring the employee to the same position upon returning to work, or if the same position is unavailable, the agency must provide the employee with a position that is substantially equal in pay, benefits, and responsibility;
- (2) protecting the employee's benefits while on leave and reinstating all benefits to which the employee was entitled before going on leave; and
- (3) continuing the state-paid portion of the employee's monthly insurance premium if the employee is in a Leave Without Pay (LWOP) status for a full calendar month while taking FMLA leave.

c. Under federal regulations, it is the agency's responsibility to designate leave, paid or unpaid, as FMLA-qualifying, and to give notice of the designation to the employee. **Designation by TMD of FMLA-qualifying leave is non-discretionary.** Employees are required to provide sufficient information to allow the agency to make a determination of whether an employee's leave is for an FMLA-qualifying event. An employee who fails to reasonably cooperate in this determination process may be subject to disciplinary action, up to and including termination.

4.11.2. DEFINITIONS.

For purposes of this policy an abbreviated list of definitions is provided. There are numerous additional definitions in 29 C.F.R. Part 825 that apply to this policy and are incorporated by reference to the controlling federal regulations.

“Active duty or call to active duty status” is defined as military service under a call or order to active

duty in support of a contingency operation under certain provisions of federal law. [29 C.F.R. §825.126(b)(2) and §825.800]

“As soon as practicable” is defined as at the earliest time that is both possible and practical. [29 C.F.R. §825.302(b)]

“Child” is defined as a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. [29 C.F.R. §825.122(c)]

“Chronic serious health condition” is defined as an illness, injury, impairment, or physical or mental condition which:

a. requires at least two visits per year for treatment by a health care provider or by a nurse under direct supervision of a health care provider;

b. continues over an extended period of time (including recurring episodes of a single underlying condition); and

c. may cause episodic instead of a continuing period of incapacity (e.g., asthma, diabetes, epilepsy). [29 C.F.R. §825.115(c) and §825.800]

“Complete and sufficient certification” is defined as an FMLA certification that has all required entries of information and that information is clear, unambiguous, and fully responsive. [29 C.F.R. §825.305(c)]

“Contingency operation” is defined as a military operation (a) designated by the Secretary of Defense as an operation in which members of the U.S. armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (b) that results in the call or order to, or retention on, active duty of members of the U.S. uniformed services under certain provisions of federal law during a war or during a national emergency declared by the President or Congress. [29 C.F.R. §825.1262(b)(3) and §825.800] **“Continuing treatment by a health care provider”** is defined as any period of:

a. Incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity related to the same condition that also involves: (a) two or more in-person visits to a health care provider within 30 days of the first day of the incapacity, unless extenuating circumstances exist, with the first visit to occur within seven days of the first day of incapacity; or (b) at least one in-person visit to a health care provider, within seven days of the first day of incapacity, that results in a regimen of on-going treatment;

b. Incapacity due to pregnancy or any absence for prenatal care;

c. Incapacity or treatment for such incapacity due to a chronic serious health condition;

d. Incapacity which is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer’s, severe stroke, terminal stages of a disease); or

incapacity or absence to receive multiple treatments (including any recovery time) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider (e.g., physical therapy, dialysis, chemotherapy). [29 C.F.R. §825.115 and §825.800]

“Covered military member” is defined as an employee’s spouse, son, daughter, or parent on active duty or call to active duty status. [29 C.F.R. §826.126(b) and §825.800]

“Covered service member” is defined as an employee’s spouse, son, daughter, parent, or next of kin who is a current member of the U.S. armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty. [29 C.F.R. §825.127(a) and §825.800]

“Extenuating circumstances” are defined as conditions beyond one’s control. [29 C.F.R. §825.115(a)(5) and §825.800]

“Health care provider” is defined as:

a. A Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or

b. A person capable of providing health care services and authorized to practice in the state or country (if outside the United States) in accordance with the law of the respective state or country, but generally limited to the following:

- physician assistants;
- nurse practitioners;
- nurse midwives;
- dentists;
- optometrists;
- podiatrists;
- clinical psychologists;
- clinical social workers;
- chiropractors (only for treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist); and
- Christian Science practitioners. [29 C.F.R. §825.125(a) and §825.800]

“Incapable of self-care” is defined as the requirement for active assistance or supervision to provide oneself with daily care in three or more activities of daily living (e.g., caring appropriately for one’s grooming and hygiene, bathing, dressing, and eating) or instrumental activities of daily living (e.g., cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, and using the post office). [29 C.F.R. §825.122(c)(1) and §825.800]

“Incapacity” is defined as the inability to work, attend school, or perform other regular daily activities due to a serious health condition, treatment for the condition, or recovery from the condition. [29 C.F.R. §825.113(b)]

“In loco parentis” is defined as the circumstances in which a person assumes day-to-day responsibility

for the care and financial support of a child, or in the case of an employee, who had such responsibilities for the employee when the employee was a child. A biological or legal relationship is not necessary. [29 C.F.R. §825.122(c)(3)]

“**Inpatient care**” is defined as an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment connected to such care. [29 C.F.R. §825.114]

“**Intermittent Leave**” is defined as leave taken in separate blocks of time due to a single FMLA-qualifying event. [29 C.F.R. §825.202(a) and §825.800]

“**Next of kin of a covered service member**” is defined as the nearest blood relative other than the covered service member’s spouse, parent, son, or daughter. [29 C.F.R. §825.122(d), §825.127(b)(3), and §825.800]

“**Outpatient status**” with respect to a covered service member is defined as assignment to either a:

a. Military medical treatment facility as an outpatient; or

b. Unit established for the purpose of providing command and control of members of the U.S. armed forces receiving medical care as outpatients. [29 C.F.R. §825.127(a)(2) and §825.800]

“**Parent**” is defined as a biological, adoptive, step- or foster mother or father, or any other person who stood *in loco parentis* to an employee when the employee was under the age of 18, or age 18 or older and incapable of self-care because of a physical or mental disability. The term does not include parents-in-law. [29 C.F.R. §825.122(b) and §825.800]

“**Parent of a covered service member**” is defined as a covered service member’s biological, adoptive, step- or foster mother or father, or any other person who stood *in loco parentis* to the covered service member. The term does not include parents-in-law. [29 C.F.R. §825.122(i), §825.127(b) (2), and §825.800]

“**Physical or mental disability**” means an impairment that substantially limits one or more of the major life activities of an individual. [29 C.F.R. §825.122(c)(2) and §825.800]

“**Reduced work schedule**” is defined as a temporary decrease in an employee’s usual number of working hours per work week. [29 C.F.R. §825.202(a) and §825.800]

“**Serious health condition**” is defined as an illness, injury, impairment, or a physical or mental condition that involves inpatient care or continuing treatment by a health care provider. [29 C.F.R. §825.113(a) and §825.800]

“**Serious injury or illness**” is defined as a physical or mental condition incurred by a covered service member in the line of duty while on active duty that may render the service member unfit to perform the duties of the member’s office, grade, rank, or rating. [29 C.F.R. §825.127(a)(1) and §825.800]

“**Son or daughter**” is defined as an employee’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stands *in loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave

is to commence. [29 C.F.R. §825.122(c) and §825.800]

“Son or daughter of a covered service member” is defined as the service member’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the service member stood *in loco parentis*, and who is of any age. [29 C.F.R. §825.122(h), §825.127(b)(1), and §825.800]

“Son or daughter on active duty or call to active duty status” is defined as an employee’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood *in loco parentis*, who is on active duty or call to active duty status, and who is of any age. [29 C.F.R. §825.122(g) and §825.800]

“Unable to perform the functions of the position” is defined as the circumstances in which a health care provider states that an employee is incapable of working or is incapable of performing any one of the essential duties of the employee’s job. An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform his/her essential job functions during the absence for treatment. [29 C.F.R. §825.123(a)]

4.11.3. FMLA-QUALIFYING EVENTS.

a. An eligible employee, as that term is described below, is entitled to up to 12 work weeks of FMLA leave during a 12-month period measured prospectively from the date the employee first uses any designated FMLA leave for any of the following reasons:

(1) The birth of a child to the employee and to care for the newborn child (including any period of incapacity due to pregnancy or for pre-natal care);

(2) The placement, with the employee, of a child for adoption or foster care;

(3) To care for the employee’s spouse, child, or parent with a serious health condition;

(4) A serious health condition that makes the employee unable to perform the essential functions of the employee’s job; or

(5) Any qualifying event arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

b. Additionally, an eligible employee is entitled to up to 26 work weeks of FMLA leave during a 12-month period measured prospectively from the date the employee first uses this type of leave to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member.

4.11.4. EMPLOYEE RESPONSIBILITIES.

4.11.4.1. FORESEEABLE FMLA LEAVE.

a. Whenever practicable, an employee must provide at least 15 days advance written notice to his/her supervisor/manager and State Human Resources before FMLA leave is to begin if the need for the leave

is foreseeable based on:

(1) An expected birth;

(2) An expected placement for adoption or foster care;

(3) Planned medical treatment for a serious health condition of the employee or the employee's spouse, child, or parent; or

(4) Planned medical treatment for a serious injury or illness of a covered service member.

If 30 days advance notice is not practicable, notice must be given as soon as practicable for the above FMLA-qualifying events.

b. Whenever military-related FMLA leave is foreseeable due to a qualifying event, an employee must provide advance written notice to his/her supervisor/manager as soon as practicable regardless of how far in advance the leave is foreseeable.

c. Notice for foreseeable FMLA leave will include the reason for the leave, and the anticipated date(s) and time(s) of the leave. The employee will notify his/her supervisor/manager and the FMLA & ADA Coordinator in State HR as soon as practicable if dates or times of scheduled leave change.

d. When planning his/her own medical treatment, the employee must consult with his/her manager/supervisor and make a reasonable effort to schedule the treatment to avoid unduly disrupting business operations, subject to the approval of the employee's health care provider for the FMLA-qualifying event.

4.11.4.2. UNFORESEEABLE FMLA LEAVE.

a. When the need for FMLA leave is unforeseeable, an employee must provide notice to his/her supervisor/manager and State HR as soon as practicable given the facts and circumstances of the FMLA-qualifying event. Except in extenuating circumstances, the employee is expected to provide notice of the leave in accordance with the agency's Sick Leave Policy (see 4.7. above). Notice may be given by the employee's spokesperson (e.g., spouse, parent, other adult family member, or other responsible party) if the employee is personally unable to do so.

b. The employee must provide sufficient information for his/her supervisor/manager to reasonably determine whether the leave is for an FMLA-qualifying event. Calling in "sick" without providing further information will not be adequate when the leave is for an FMLA-qualifying event. In any circumstance in which the supervisor/manager has insufficient information about the reason for an employee's leave, State HR must further inquire of the employee or the employee's spokesperson to ascertain whether the leave involves an FMLA-qualifying event. The employee must respond to any such inquiries.

4.11.5. FMLA ELIGIBILITY AND CERTIFICATION FOR AN FMLA-QUALIFYING EVENT.

a. For purposes of the FMLA, an "eligible employee" is one who has been employed by the State of Texas for at least 12 months and who has worked at least 1,250 hours during the 12 months immediately preceding the FMLA-qualifying event. When calculating the required 12 months of state employment for FMLA eligibility, all state employment will be counted, and it need not be continuous. The 1,250 hours

refer to hours actually worked and do not include any paid or unpaid time off. (Employees who have less than the requisite 12 months of service and 1,250 hours may still be eligible for leave in accordance with the agency's Non-FMLA Parental Leave Policy (see 4.12. below) for the birth, adoption, or foster placement of a child under three years of age). Eligibility is determined at the beginning of the first instance of leave for each FMLA-qualifying event in an applicable 12-month period.

b. Within three business days from the date an employee requests FMLA leave, or the date an employee's manager acquires knowledge that an employee's leave may be for an FMLA-qualifying event, the manager must provide notice to the State HR FMLA & ADA Coordinator of the employee's possible FMLA-qualifying event. In addition, if supervisor/manager has knowledge after the fact that leave has been or is being taken for an FMLA-qualifying reason, he/she must provide the State HR FMLA & ADA Coordinator with written notice of the leave within three business days of acquiring the information.

c. Within two business days of the notice from the supervisor/manager, the State HR FMLA & ADA Coordinator will provide the employee with notice of the employee's eligibility for FMLA leave by giving the employee *DOL Form WH-381, FMLA Notice of Eligibility and Rights & Responsibilities* with a copy of the notice to the employee's supervisor/manager. The employee must return (e.g., by FAX, scanned e-mail attachment, U.S. mail, etc.) a copy of *DOL Form WH-381, FMLA Notice of Eligibility and Rights & Responsibilities*, signed and dated by the employee, to the State HR FMLA & ADA Coordinator within two business days after the employee receives the notice.

d. With the FMLA Notice of Eligibility and Rights & Responsibilities, the State HR FMLA & ADA Coordinator will provide an eligible employee with one of the following certification forms depending on the type of FMLA-qualifying event:

(1) *DOL Form WH-380-E, Certification of Health Care Provider for Employee's Serious Health Condition*;

(2) *DOL Form WH-380-F, FMLA Certification of Health Care Provider for Family Member's Serious Health Condition*;

(3) *DOL Form WH-384, FMLA Certification of Qualifying Event for Military Family Leave*; or

(4) *DOL Form WH-385, FMLA Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave*.

e. Complete and sufficient documentation must be received by the State HR FMLA & ADA Coordinator within 15 calendar days from the date the employee received the FMLA Notice of Eligibility and Rights & Responsibilities and the accompanying certification form unless extenuating circumstances exist.

f. If an employee provides notice of a subsequent need for FMLA leave during the applicable 12-month period due to a different FMLA-qualifying event, and the employee's eligibility status has not changed, no additional eligibility notice is required. However, if the employee's eligibility status has changed (e.g., the employee has worked less than 1,250 hours in the 12 months immediately preceding the beginning of the leave for the subsequent FMLA-qualifying event), the State HR FMLA & ADA Coordinator must notify the employee of the change in eligibility status within five business days of the date the employee provides notice.

g. If an employee has more than one FMLA-qualifying event, each event requires a separate certification.

4.11.6. DESIGNATION OF FMLA LEAVE.

a. TMD is responsible in all circumstances for determining and designating appropriate leave as FMLA-qualifying. When an employee submits the required FMLA certification to State HR within 15 calendar days from the date the employee received the FMLA Notice of Eligibility and Rights & Responsibilities, the State HR FMLA & ADA Coordinator will review the documentation to determine if the leave is for an FMLA-qualifying event. If the State HR FMLA & ADA Coordinator receives insufficient documentation, he/she will send a written inquiry to the employee or the employee's spokesperson for further information to determine if the leave is for an FMLA-qualifying event. The employee or the employee's spokesperson will be given 10 calendar days from the date of the inquiry to provide the necessary information.

b. When the certification/documentation is sufficient, the State HR FMLA & ADA Coordinator will send *DOL Form 382, FMLA Designation Notice* to the employee with a copy to the employee's supervisor/manager within five business days from receipt of such documentation. This notice advises the employee:

- (1) If leave for an FMLA-qualifying event has been approved;
- (2) If additional information is necessary to determine if the leave is for an FMLA-qualifying event;
- (3) That the FMLA does not apply in the employee's immediate circumstances; or

(4) That the employee has exhausted his/her FMLA leave entitlement in the applicable 12-month period.

c. If the State HR FMLA & ADA Coordinator has not received FMLA documentation from the employee after 10 calendar days from the date the employee received the FMLA Notice of Eligibility and Rights & Responsibilities, the State HR FMLA & ADA Coordinator will send an e-mail reminder to the employee with a copy to his/her supervisor/manager that State HR has not received FMLA documentation from the employee. Unless extenuating circumstances prevent the employee from returning the FMLA documentation within 15 calendar days from the date the employee received the FMLA Notice of Eligibility and Rights & Responsibilities, the employee may be considered in violation of agency policy for the failure to timely return the documentation/certification and may be subject to disciplinary action up, to and including termination.

d. If the State HR FMLA & ADA Coordinator has not received FMLA documentation from the employee after 15 calendar days from the date the employee received the FMLA Notice of Eligibility and Rights & Responsibilities, the State HR FMLA & ADA Coordinator will notify the employee's supervisor/manager and Director of the employee's failure to timely return the documentation. If the State HR FMLA & ADA Coordinator has not received the FMLA documentation from the employee after reasonable notice to the employee's supervisor/manager and Director, the State HR FMLA & ADA Coordinator will provide notice to the Director of Human Resources of the employee's failure to timely return the documentation. The Director of Human Resources will promptly notify the appropriate Director in an effort to obtain the required FMLA documentation from the employee.

e. Upon an employee's subsequent request for FMLA leave, if information provided to the employee in the prior *DOL Form 382, FMLA Designation Notice* has changed (e.g., the employee exhausts his/her FMLA leave entitlement), the State HR FMLA & ADA Coordinator must notify the employee in writing of the change within five business days of the date the employee provides notice of the need for the subsequent FMLA leave.

4.11.7. BIRTH OF A CHILD.

a. Eligible employees are entitled to up to 12 work weeks of FMLA leave for pregnancy and/or the birth of a child as follows:

(1) Both the mother and father are entitled to FMLA leave for the birth of their child.

(2) Both the mother and father are entitled to FMLA leave to be with their healthy newborn child only during the 12-month period immediately following the date of the birth.

(3) The mother is entitled to FMLA leave for incapacity due to pregnancy or for her own serious health condition following the birth of the child.

(4) A husband is entitled to FMLA leave if needed to care for his: (a) pregnant wife who is incapacitated or needs care for a serious health condition during her prenatal period, or (b) wife following the birth of their child if the wife has a serious health condition.

(5) Both the mother and father are entitled to FMLA leave if needed to care for their newborn child with a serious health condition.

b. A pregnant employee is allowed to use her accrued sick leave for prenatal, delivery, and recovery periods certified by her health care provider. While an employee may take FMLA time off (including annual leave or leave without pay) after the birth of a child, the employee may not use sick leave for post-delivery time unless the employee or the newborn child is ill in accordance with the agency's Sick Leave Policy (see 4.7. above).

c. An employee who is an expectant father or the father of a newborn child may use his accrued sick leave in conjunction with the child's anticipated or actual birth only if:

(1) He is needed to care for his pregnant wife who is incapacitated or needs care for a serious health condition during her prenatal period;

(2) The newborn child is ill in accordance with the agency's Sick Leave Policy (see 4.7. above); or

(3) He is needed to care for his wife following the birth of their child if the wife has a serious health condition.

4.11.8. ADOPTION OR FOSTER CARE OF A CHILD.

a. Eligible employees are entitled to up to 12 work weeks of FMLA leave for placement with the employee of a child for adoption or foster care as follows:

(1) An employee may take FMLA leave (i.e., accrued annual leave, other earned leave, or leave without pay):

(a) before the actual placement or adoption of a child if an absence from work is required for the adoption or placement to proceed, and

(b) to be with his/her healthy adopted or foster child only during the 12-month period immediately following the date of placement.

(2) An employee is entitled to FMLA leave (i.e., accrued sick or annual leave, other earned leave, or leave without pay) if needed to care for his/her:

(a) adopted or foster child with a serious health condition, or

(b) healthy, newborn, adopted, or foster child if childcare is unavailable for the first six weeks after the child's birth.

4.11.9. MILITARY-RELATED FMLA LEAVE.

Two types of military related FMLA leave are available to eligible employees:

a. **Active duty leave** entitles an eligible employee to up to 12 work weeks of FMLA leave for a covered military member for one or more of the following qualifying events:

- Short-notice deployment;
- Military events and related activities;
- Child care and school activities;
- Financial and legal arrangements;
- Counseling;
- Rest and recuperation;
- Post-deployment activities; and
- Other activities that arise out of the covered military member's active duty or call to active duty status provided that the employer and employee agree:
 - that such leave meets the criteria for a qualifying event;
 - to the timing of the leave; and
 - to the duration of the leave.

b. **Caregiver leave** entitles an eligible employee to up to 26 work weeks of FMLA leave in a single 12-month period to care for a covered service member recovering from a serious illness or injury incurred in the line of duty while on active duty that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating.

c. If an eligible employee requires military-related FMLA leave, his/her supervisor/manager must contact the State HR FMLA & ADA Coordinator for further instructions.

4.11.10. SPOUSES EMPLOYED BY TMD.

a. A husband and wife who are eligible for FMLA leave, and both employed by TMD, are each permitted to take a total of 12 work weeks of FMLA leave during any 12-month period if the leave is taken for the:

(1) Birth of the employees' child or to care for the child after birth;

(2) Placement of a child for adoption or foster care, or to care for the adopted or foster child after placement; or

(3) Care of either of the employees' parents.

b. When a husband and wife, who are eligible for FMLA leave and both employed by TMD, each take a portion of their respective 12 work weeks of FMLA leave for the birth, adoption, or placement of a child, or to care for a parent, each would be entitled to take the remaining portion of their respective 12 work weeks of FMLA leave for his/her own serious health condition or to care for a sick child.

c. A husband and wife who are eligible for FMLA leave and both employed by TMD are each permitted to take a total of 26 work weeks of FMLA leave during a single 12-month period for military-related caregiver leave.

4.11.11. USE OF FMLA LEAVE.

Paid and unpaid leave will be counted toward an employee's FMLA entitlement if it is used for an FMLA-qualifying event. An employee must use all appropriate paid leave prior to the use of unpaid leave for FMLA purposes. However, an employee will not be required to use compensatory time or FLSA overtime for an FMLA-qualifying event. If the employee chooses to use compensatory time or FLSA overtime, the compensatory time and FLSA overtime will not be counted as part of the employee's FMLA entitlement.

4.11.12. MAXIMUM DURATION OF FMLA-PROTECTED LEAVE.

a. Except for military-related caregiver leave, the maximum combination of paid and unpaid FMLA-protected leave will not exceed 12 work weeks during a single 12-month period. If the FMLA-qualifying event requires the employee to be absent for more than 12 work weeks, the absence will be handled in accordance with the agency's non-FMLA leave policies.

b. For military-related caregiver leave, the maximum combination of paid and unpaid leave for an FMLA-qualifying event will be limited to 26 work weeks during a single 12-month period. If the FMLA-qualifying event requires the employee to be absent for more than 26 work weeks, the absence will be handled in accordance with the agency's non-FMLA leave policies.

c. Failure of the employee to report back to work at the end of the prescribed and approved duration of an FMLA-qualifying event, without prior written approval from the employee's supervisor/manager, may be considered job abandonment which may lead to separation from the agency.

d. If the employee originally requests less than the maximum allowable leave for an FMLA-qualifying

event and the employee subsequently needs an extension to the FMLA leave originally approved, the employee must submit an updated medical certification to the State HR FMLA & ADA Coordinator prior to the exhaustion of the originally approved leave. **However, in no event will FMLA-protected leave exceed the maximum durations identified in this section.**

4.11.13. INTERMITTENT LEAVE AND REDUCED WORK SCHEDULE DURING FMLA LEAVE.

a. Except for military active duty FMLA leave or leave after the birth, adoption, or foster placement of a healthy child, there must be a documented medical need for an employee to be approved for intermittent FMLA leave or a reduced work schedule due to an FMLA-qualifying event.

b. An employee who requests intermittent FMLA leave, or a reduced work schedule must provide the State HR FMLA & ADA Coordinator with a completed Certification of Health Care Provider form or other medical documentation that specifically states the need for this type of leave or work schedule. For any planned medical treatment that necessitates intermittent FMLA leave or a reduced work schedule, the Certification of Health Care Provider form must state the dates and duration of the treatment(s). The employee must reasonably attempt to schedule such leave or work to avoid disruption of the department's work operations.

c. Upon prior written notification to the employee's supervisor/manager, an employee may take military active duty FMLA leave intermittently or on a reduced work schedule for one or more of the qualifying events described above. If prior notice is not practicable, the notification must be provided as soon as reasonably possible.

d. An employee who requests intermittent FMLA leave or a reduced work schedule, after the birth, adoption, or foster placement of a healthy child, must obtain prior written approval for this type of leave or work schedule. After receiving written approval from his/her supervisor/manager, the employee may return to work on a reduced work schedule and may take intermittent leave, as necessary. The employee must reasonably attempt to schedule such leave or work to avoid disruption of the department's work operations.

e. The employee's supervisor/manager, in coordination with State HR may make adjustments to the department's work operations when considering a request for intermittent FMLA leave or a reduced work schedule. This may include temporarily reassigning the employee to an alternative position for which the employee is qualified, and which has equivalent pay, if the alternative position better accommodates recurring periods of leave than the employee's regular position.

f. Any modified work schedule that includes working at home requires written approval by the Human Resources Director.

4.11.14. REINSTATEMENT AFTER FMLA LEAVE.

An eligible employee who takes FMLA leave is entitled to be restored to his/her former position or to an equivalent position with equivalent pay, and to other terms and conditions of employment. An employee who has been absent due to a serious health condition must provide certification that he/she is able to resume work. *TMD Form 4-09 TMD Fitness for Duty/Return to Work Certification* (see Appendix 1) must be completed by the employee's health care provider must be submitted to State HR before the

employee will be allowed to return to work. If an employee is able to return to work earlier than originally indicated, the employee will provide as much prior notice as possible, but no less than two business days written notice, to State HR before returning from FMLA leave.

4.11.15. EMPLOYEE BENEFITS RIGHTS.

An employee who takes FMLA leave will not lose any employment benefit accrued prior to the date on which the leave commenced. Nothing in the FMLA, however, entitles an employee to any right, benefit, or position other than one to which the employee would have been entitled had the leave not been taken.

4.11.16. GROUP HEALTH COVERAGE DURING FMLA.

The agency will maintain any group health coverage for the employee on FMLA leave on the same terms as if the employee were at work for the duration of the leave. However, an employee on unpaid leave for an entire calendar month is responsible for timely paying any insurance premium that is regularly deducted from the employee's paycheck.

4.11.17. INSURANCE PREMIUM RECOVERY.

a. If an employee elects to separate from employment during or upon completion of unpaid FMLA leave, or if the employee elects not to return to work for a minimum of 30 days, then TMD may recover from the employee the cost of any insurance premiums paid to maintain the employee's coverage. This provision does not apply when the employee's medical condition prevents a return to work or when the employee is unable to return to work for any reason beyond the employee's control.

b. Before or at the beginning of the FMLA-qualifying event, the employee must complete the FMLA Notice of Eligibility and Rights, & Responsibilities certifying the employee's understanding of the agency's right to recover the cost of any insurance premium paid by the state to maintain the employee's coverage in group health benefits under certain conditions.

4.11.18. WORKERS' COMPENSATION AND FMLA LEAVE.

Workers' compensation benefits run concurrently with FMLA leave.

4.11.19. FMLA RECORD KEEPING.

a. State HR, in conjunction with each supervisor/manager, will be responsible for maintaining:

(1) Records of FMLA leave requested, designated, and used by staff and ensuring that the maximum amount allowable is not exceeded; and

(2) Medical documentation in a confidential manner.

b. For further details concerning FMLA rights and responsibilities, or for answers to questions about the application of this policy, an employee may contact the State HR FMLA & ADA Coordinator or Benefits Coordinator.

4.12. PAID PARENTAL LEAVE.

New: 09/01/2023

TMD provides paid parental leave to employees who are eligible for leave under FMLA following the birth of an employee's child or the placement of a child with an employee in connection with adoption, foster care or other legal placement. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or newly adopted child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable.

4.12.1. ELIGIBILITY.

a. To be eligible for Parental Leave, an employee must be eligible for leave under the FMLA by meeting the following criteria:

- (1) Have been employed with TMD or another Texas State agency for at least 12 months (the 12 months do not need to be consecutive); and
- (2) Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin; and
- (3) Be a member of the Employees Retirement System of Texas; and
- (4) Be a full- or part-time, regular employee (temporary employees and interns are not eligible for this benefit).

b. In addition, employees must meet one of the following criteria:

- (1) Have given birth to a child; or
- (2) Be a spouse of a woman who has given birth to a child; or
- (3) Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger). The adoption of a new spouse's child is excluded from this policy.

c. Parental Leave is not authorized for placement of a child in parental custody cases or legal assignments as a Guardian ad Litem.

d. There is no requirement for an employee to use all available paid vacation and sick leave before they are entitled to take paid leave under this section.

4.12.2. AMOUNT, TIME FRAME AND DURATION OF PAID PARENTAL LEAVE.

a. Eligible employees will receive paid parental leave per birth, adoption or placement of a child/children. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than the number of paid parental leave hours (as indicated below) in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame.

b. Paid parental leave must be taken in one block; intermittent paid parental leave is not authorized.

c. TMD provides paid parental leave as follows:

(1) Birth Parent: 40 days

(2) Birth of a Child by the Employee's Spouse; Birth of a Child by a Gestational Surrogate; or Adoption of a Child: 20 days

d. Employees must take paid parental leave in one continuous block. If a holiday occurs while the employee is on paid parental leave, the absence will be charged to as paid parental leave.

e. All paid parental leave used must be used during the 12 months following the child's birth, adoption or placement. Any unused paid parental leave will be forfeited at the end of the 12-month week time frame.

f. Upon termination of the individual's employment from TMD, he or she will not be paid for any unused paid parental leave for which he or she was eligible.

4.12.3. COORDINATION WITH OTHER POLICIES.

a. Parental Leave runs concurrently with Family and Medical Leave; therefore, if an employee has exhausted all available Family and Medical Leave because of a reason that is not the birth, adoption, or placement of a child, the employee is ineligible for paid Parental Leave.

b. In no case will the total amount of leave for the birth, adoption, foster care or other legal placement, whether paid or unpaid, granted to the employee exceed 12 weeks. Available leave (for example, sick, vacation, holiday) may be used to extend paid leave beyond the 40 or 20 days of paid parental leave.

c. Employees are not required to exhaust all personal vacation and sick leave before taking paid parental leave.

d. TMD will maintain all benefits for employees during the paid parental leave period just as if they were taking any other paid leave.

4.12.4. REQUESTING PAID PARENTAL LEAVE.

a. The employee will provide his or her supervisor and the State HR FMLA Coordinator with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible).

b. The employee must complete the necessary HR forms and provide all documentation as required by the HR department to substantiate the request.

4.12.5. COORDINATION WITH OTHER POLICIES.

a. Parental Leave runs concurrently with Family and Medical Leave; however, if an employee has exhausted all available Family and Medical Leave because of a reason that is not the birth, adoption, or

placement of a child, the employee is still eligible for paid Parental Leave.

b. In no case will the total amount of leave for the birth, adoption, foster care or other legal placement, whether paid or unpaid, granted to the employee exceed 12 weeks. Available leave (for example, sick, vacation, holiday) may be used to extend paid leave beyond the 40 or 20 days of paid parental leave.

c. Employees are not required to exhaust all leave before taking paid parental leave.

d. TMD will maintain all benefits for employees during the paid parental leave period just as if they were taking any other paid leave.

4.12.6. REQUESTING PAID PARENTAL LEAVE.

a. The employee will provide his or her supervisor and the State HR FMLA and ADA Coordinator with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible).

b. The employee must complete the necessary HR forms and provide all documentation as required by the HR department to substantiate the request.

4.13. NON-FMLA PARENTAL LEAVE.

a. An employee of TMD with less than 12 months of state service or who has worked less than 1,250 hours in the 12-month period immediately preceding the commencement of leave is eligible to take a parental leave of absence, not to exceed 12 weeks, for the:

- (1) Birth of the employee's natural child;
- (2) Adoption by the employee of a child younger than three years of age; or
- (3) Placement with the employee of a foster child younger than three years of age.

b. The 12-week period begins with the date of birth of the employee's natural child, or the first day the adoptive or foster child is formally placed in the employee's home.

c. The employee must first use all available and applicable paid leave while taking non-FMLA parental leave. If the amount of paid leave is insufficient to cover the entire period of time taken by the employee for non-FMLA parental leave, the employee will be in a protected leave-without-pay status for the remainder of the time taken.

4.13.1. NOTIFICATION REQUIREMENTS.

a. An employee who anticipates using non-FMLA parental leave will notify his/her supervisor/manager and State HR at the earliest possible opportunity to allow ample time to plan for coverage of the employee's duties for the expected duration of the absence. In addition, medical documentation identifying the date of birth, the date of adoption, or the date of foster-care placement of the child in question must be emailed to benefits@military.texas.gov.

b. If an employee plans to return to work before the expected return date, he/she will notify his/her department management as soon as possible. In addition, to ensure that employees who have given birth to a child have recovered sufficiently to return to work, a medical release is required prior to their return.

4.13.2. FMLA DISTINGUISHED.

Employees with 12 months of state service and who have worked for 1,250 hours during the preceding 12 months will refer to the FMLA policy.

4.14. FAMILY LEAVE POOL (FLP) PROGRAM.

New: 09/01/2021

a. TMD recognizes that the following life events could exhaust the accumulated paid leave of an affected employee:

- the birth of a child;
- the adoption of a minor child;
- the foster care placement of a minor child; or
- the illness of an employee or an employee's immediate family member.

b. To help employees in such situations, TMD has established a family leave pool consisting of sick leave and annual leave hours voluntarily donated by TMD employees. Because this pool is based on employee donations, the agency highly encourages current and separating employees to donate to this pool.

4.14.1. FAMILY LEAVE POOL DONATIONS.

a. Current Employees: To donate leave to the family leave pool, a current employee must:

(1) Submit *TMD Form 4-06, TMD Sick Leave Pool or Family Leave Pool Donation Form* (see Appendix 1) via email to benefits@military.texas.gov.

(2) Donate leave to the pool in increments of eight hours.

(3) Understand that hours donated to the pool may not be reclaimed unless all leave balances are exhausted in the same fiscal year as the donations and only the number of hours donated that fiscal year can be reclaimed.

b. Upon receipt of *TMD Form 4-06, Sick Leave Pool or Family Leave Pool Donation Form*, the State HR FMLA & ADA Coordinator will deduct the donated amount of annual leave and/or sick leave hours from the donating employee's leave balance(s) and will credit the pool with a corresponding amount of annual leave and/or sick leave hours.

c. Separating Employees: To donate leave to the family leave pool, a separating employee must:

(1) Indicate the number of hours to be donation on the separation form;

(2) Donate leave to the pool in increments of eight hours. (Exception: Retiring employees may

donate in any increment. Retiring employees, however, cannot receive additional Employees Retirement System retirement credit for hours donated to the family leave pool.)

(3) Understand that the donated sick leave hours cannot be reinstated to the employee if the donating employee returns to state employment.

4.14.2. FAMILY LEAVE POOL WITHDRAWALS.

a. A current employee desiring to request leave from the pool must submit three (3) forms: *TMD OSA HR Form 4-08a*, *TMD Family Leave Pool Withdrawal Application Form*, *TMD OSA HR Form 4-08b*, *TMD Family Leave Pool Withdrawal Medical Certification Form*, and *TMD OSA HR Form 04-8c*, *TMD Family Leave Pool Withdrawal Recipient Acknowledgement Form* (see Appendix I for forms) via email to benefits@military.texas.gov. The employee must provide appropriate documentation:

(1) Employees requesting leave due to the birth of their child must provide documentation of the birth that identifies the employee as the child's mother, father, or partner of the child's mother.

(2) Employees requesting leave due to the adoption or foster placement for a child under the age of 18 years of age must provide documentation that lists the employee as the adoptive parent or foster parent.

(3) Employees requesting leave due to the employee's guardianship status of a person (who is 18 years of age or older and requires a guardian) must provide documentation of the guardianship status.

(4) Employees requesting leave for a serious injury or illness (including those related to a pandemic) must provide medical documentation from the licensed healthcare provider(s) treating the injury or illness for which the family leave pool hours are being requested. The documentation must provide sufficient information regarding the injury or illness, including a description of the condition, the prognosis, and the anticipated return-to-work date. The actual hours requested by the employee must not conflict with information provided by the licensed healthcare provider(s).

b. The State HR FMLA & ADA Coordinator will brief the Director of Human Resources on the request. The Director of Human Resources may form a committee to review requests and provide recommendations.

c. In reviewing a request, the following factors will be considered:

- the illness or injury;
- the information provided by the employee on the Family Leave Pool Form; the documentation from the licensed healthcare provider(s);
- the employee's current accumulated leave balances; and
- the amount of annual leave and sick leave available in the pool.

d. For employees not protected by the Family and Medical Leave Act (FMLA), the Director of Human Resources or designee(s) will also consider the following factors:

- the duration of the projected absence;
- the impact of the projected absence and potential hardship on the department or agency; the employee's prior use of leave;

- the employee's past performance and conduct; and
- whether the employee has previously received family leave pool hours.

e. The Director of Human Resources may grant a maximum of 240 hours from the family leave pool per request. The employee may reapply for additional family leave pool hours if the amount previously granted is insufficient to cover the employee's absence(s). In no event will the total family leave pool hours allocated to an eligible employee for any one family medical event exceed 720 hours or one-third of the agency's family leave pool balance, whichever is less. The Director of Human Resources may grant leave from the family leave pool for use on an intermittent basis.

f. If family leave pool hours are granted, the State HR FMLA & ADA Coordinator, will credit the employee with the approved family leave pool hours and will notify the employee and the employee's supervisor/manager.

g. An employee using family leave pool hours still accrues annual leave and sick leave at the beginning of each month. Nevertheless, an employee who is on leave on the first working day of a month may not use the leave accrued for that month until the employee returns to work. When new leave becomes available, the employee must exhaust the newly accrued leave prior to using additional family leave pool hours.

h. An employee who receives a denial of a request for family leave pool hours may resubmit the request with additional documentation.

4.14.3. LIMITATIONS AND DISCLAIMERS.

a. This policy amounts to a full notification to all employees of the existence and availability of the agency's family leave pool.

b. TMD is not required to personally inform any TMD employee of the family leave pool.

c. Granting leave from the family leave pool does not alter an employee's at-will employment status and/or create a contract between the employee and TMD.

d. An employee who receives leave hours from the family leave pool may use such hours only for the family leave condition for which the leave was granted.

e. Leave granted from the family leave pool can be revoked at any time, including upon separation from the agency or when the employee is released to return to work.

f. Employees not protected by the FMLA are not guaranteed the same job upon returning to work or to other protections covered by the FMLA.

g. Providing false or misleading information to obtain family leave pool hours may lead to the revocation of family leave pool hours, an investigation, disciplinary action, and/or criminal prosecution.

h. The estate of a deceased employee is not entitled to payment for unused leave assigned from the family leave pool.

i. Job-related illnesses or injuries covered by Workers' Compensation may not qualify an employee for leave from the family leave pool.

j. Applying for leave under the family leave pool authorizes TMD to contact the employee's healthcare provider(s) to verify information provided in the employee's request and attachments.

k. Leave donated to the family leave pool may not be designated for use by a particular employee.

l. Unused family leave pool hours will be returned to the family leave pool.

4.14.4. RETURN TO WORK.

If a licensed healthcare provider releases an employee to return to work or does not extend the duration of the absence, the employee must return to work as provided in the medical documentation. Otherwise, the employee may be considered to have abandoned his/her position. Separation from the agency may follow.

4.15. EMERGENCY LEAVE.

4.15.1. DEATH OF EMPLOYEE.

a. In the unfortunate circumstance that an employee of TMD dies while employed, the deceased employee's department management will promptly notify the Director of State Administration and the Director of Human Resources of the employee's death and provide any relevant information.

b. The Director of Human Resources or designee will coordinate with department management concerning relevant matters, including - notifying the department of the employee's death; coordinating possible grief sessions through the Employee Assistance Program; the transfer of personal effects; handling payroll issues; and submitting the appropriate personnel action documentation.

c. If the death resulted from an injury in the workplace, workers' compensation reporting procedures must be followed.

4.15.2. DEATH IN FAMILY (BEREAVEMENT LEAVE).

a. An employee is eligible for up to 24 hours of Emergency Leave due to the death of the employee's spouse, child, parent, sibling, grandparent, or grandchild or a child, parent, sibling, grandparent, or grandchild of the employee's spouse. The death of a "step" equivalent of these relations is covered by this policy. The employee, however, is not eligible for this leave if they are in an unpaid absence status at the time the Emergency Leave is to commence.

b. When an employee is absent from work due to a covered death, department management must send submit *TMD OSA HR Form 4-11, Emergency Leave - Death in Employee's Family Request Form* (see Appendix 1) to benefits@military.texas.gov to request the entry of the leave into CAPPs. Verification of the need for the leave may be required.

4.15.3. GOOD CAUSE EMERGENCY LEAVE.

a. The Adjutant General or Director of State Administration may grant paid Emergency Leave for any

reason determined to be good cause.

b. This leave should only be requested in extraordinary circumstances (for example, when the employee has been subpoenaed to testify as a witness in his/her private capacity; or when the employee is facing a catastrophic illness or event and is not eligible for or has exhausted other leave). A supervisor may request emergency leave for good cause on behalf of an individual or group of employees for situations involving, for example, safety hazards or other emergency situations. (See also, Office Closure Information in Chapter 1 of this manual).

c. *TMD OSA HR Form 4-12, TMD Emergency Leave - Good Cause Request Form* (see Appendix 1) must be submitted by the employee through his/her supervisor/manager, to the department head, who will forward it to the Human Resources Director. The request must indicate “Good Cause Emergency Leave” under “Other” in Section II and clearly provide the reason(s) for the leave and must include the specific date(s) for which the Emergency Leave is requested. Verification of the need for the leave may be required. Emergency Leave may only be granted if the agency head has a good faith belief that the employee will return to his/her position with the agency on expiration of the period of emergency leave.

d. The Director of Human Resources will review the request and forward it with their recommendation to the Adjutant General or Director of State Administration for approval or denial. After approval or denial, the documentation will be forwarded by State HR to the department head and employee of the decision. State HR will retain the relevant documentation for entry into the electronic leave system. This leave may not be used to extend the active employment status of an employee beyond the established separation date or for the purpose of severance or settlement with a separating employee.

4.16. WORKERS’ COMPENSATION LEAVE.

a. An employee may elect to use accrued sick leave prior to receiving Workers’ Compensation income benefits. Texas Labor Code §501.044 allows an injured state employee to elect to use accrued sick and annual leave before receiving income benefits.

NOTE: Sick leave must be exhausted before annual leave may be used.

b. Other categories of leave (compensatory leave, holiday leave, administrative leave, etc.) may not be used prior to sick and annual leave. TMD may not require employees to exhaust state or Fair Labor Standards Act (FLSA) compensatory time balances before receiving income benefits. In addition, TMD may not prohibit employees from using state or FLSA compensatory time while they are receiving income benefits.

c. TMD employees who are exhausting their leave as a result of a workers’ compensation claim are prohibited from using accrued leave until the injured person has physically returned to work.

4.17. AMATEUR RADIO OPERATOR LEAVE.

An employee with an amateur radio station license issued by the Federal Communications Commission may be granted leave not to exceed 10 days each fiscal year to participate in specialized disaster relief services without a deduction in salary or loss of vacation leave, sick leave, overtime leave, or state compensatory time. The amateur radio operator leave should be authorized by the employee’s supervisor and **with the approval of the governor**. The number of amateur radio operators eligible for this type of leave may not exceed 350 state employees at any one time during a fiscal year. The Texas Division of

Emergency Management is responsible for coordinating the establishment and maintenance of the list of employees eligible for this leave in accordance with Texas Government Code Section 661.919.

4.18. ASSISTANCE DOG TRAINING LEAVE.

An employee with a disability as defined by Texas Human Resources Code, Section 121.002, will be granted paid leave of absence not to exceed 10 working days in a fiscal year to attend a training program to acquaint the employee with an assistance dog that the employee will use.

4.19. COURT APPEARANCE/SUBPOENA LEAVE.

TMD will not discharge, discipline, or penalize an employee for complying with a subpoena to appear in a civil, criminal, legislative, or administrative proceeding. A state employee must coordinate this leave with his/her supervisor.

4.19.1. SITUATIONS REQUIRING THE USE OF ACCRUED LEAVE.

An employee subpoenaed or required to appear in a civil, criminal, legislative, or administrative proceeding is required to do so on his/her own time if:

- a. A witness fee is accepted; and/or
- b. The appearance is related to an action in which the employee is a party (e.g., Employee vs. Corporation) and which is not related to the employee's official duties or position as a state employee.

4.19.2. SITUATIONS REQUIRING THE USE OF ACCRUED LEAVE.

a. Except as stated in Section 4.18.1, an employee subpoenaed to appear in a civil, criminal, legislative, or administrative proceeding during his/her regular work hours will **not** have this time charged against accrued leave.

b. Work-Related Appearances. When an employee is subpoenaed or required to appear in a proceeding during regular working hours for the following reasons, the time (including appropriate travel time to and from the proceeding) will be treated as regular work time:

- (1) To testify in employee's official TMD capacity;
 - (2) To bring TMD records for which employee is responsible;
 - (3) To testify in an official capacity concerning actions occurring while employed with another state agency; and/or
 - (4) To appear in a civil, criminal, legislative, or administrative proceeding as a witness, charging party, or as the charged individual.
- c. Appearance and travel time outside regular working hours is treated as work time.

d. Non-Work-Related Appearances.

(1) When an employee is subpoenaed to appear as a witness due to an incident not related to his/her state employment, the time off during working hours (including appropriate travel time to and from the proceeding) will be entered into CAPPs using time reporting code JRYD.

(2) Appearance and travel time outside regular working hours is not treated as work time.

4.20. COURT APPOINTED SPECIAL ADVOCATE (CASA) VOLUNTEER LEAVE.

A state employee may be provided paid leave not to exceed five (5) hours each month to participate in mandatory training or to perform volunteer services for Court Appointed Special Advocates. This leave is provided to an employee without a deduction in salary or loss of vacation leave, sick leave, overtime leave, or state compensatory time. A state employee must coordinate use of this leave with his/her supervisor.

4.21. INVESTIGATION LEAVE.

a. As part of an investigation or official inquiry, TMD, in accordance with Section 661.923 of the Texas Government Code, may grant paid leave to an employee who is:

- (1) The subject of an investigation being conducted by TMD;
- (2) a victim of an act or event that is the subject of an investigation conducted by TMD;
- (3) or a witness to an act or event that is the subject of an investigation conducted by TMD.

b. A *TMD OSA HR Optional Form 4-01-OF, TMD Leave Request* (see Appendix 1) must be completed along with an explanation/justification for why the leave is necessary. The request may be submitted electronically by department management through State HR to the Adjutant General or Director of State Administration who will decide whether to grant leave under this policy. If granted, State HR will enter the approved amount of Investigation Leave into CAPPs for the identified employee.

4.22. EMERGENCY SERVICES VOLUNTEERS LEAVE.

a. TMD commends TMD employees who are able to serve as volunteer firefighters, emergency medical services (EMS) volunteers, or search and rescue volunteers outside of their employment at TMD.

b. For purposes of this policy:

(1) An EMS volunteer is an unpaid member of an organized EMS entity that provides emergency pre-hospital care; and

(2) A search and rescue volunteer provides services for or on behalf of an organization that conducts search and rescue activities.

c. This policy does not apply if compensation is received for performing emergency services; in such

situations employees will complete an outside employment request.

4.22.1. EMERGENCY SERVICES VOLUNTEERS LEAVE – TRAINING EVENTS.

a. A TMD employee who serves as a volunteer firefighter, an EMS volunteer, or search and rescue volunteer may attend fire service or EMS training conducted by a state agency or institution of higher education for up to five working days per fiscal year without a deduction in salary.

b. To request paid leave to attend training, the employee will:

(1) Notify his/her supervisor in advance of taking the leave, and

(2) Submit a written request to department management with relevant information, including the sponsor and duration of the training. If the training is conducted by a state agency or institution of higher learning and if the absence will not unreasonably affect the productivity of TMD, department management may approve the request. Department management may consult with State HR for guidance.

(3) Upon completion of the training, the employee will send a certificate of completion and documentation of the approval to payroll@military.texas.gov. TMD will not compensate the employee for any expenses involved in attending the training. Volunteers, however, may receive reimbursements (e.g., travel) from the entity for which he/she volunteers to attend training or respond to emergencies.

4.22.2. EMERGENCY SERVICES VOLUNTEERS LEAVE – EMERGENCY RESPONSE.

a. If an employee is requesting to be absent from work to respond to an emergency fire, search and rescue, or EMS situation, the employee must:

(1) notify his/her supervisor of the emergency situation as soon as possible;

(2) indicate the expected duration of the absence;

(3) obtain approval for the absence; and

(4) report back to work as soon as possible.

b. The request will not be approved if the absence will unduly disrupt TMD business.

c. Once the employee returns, the employee or department management will forward relevant documentation regarding the absence to payroll@military.texas.gov. The amount of paid leave approved for any one day cannot exceed the number of scheduled hours not worked by the employee on that day.

4.23. DISASTER VOLUNTEERS LEAVE.

New: 09/01/2021

a. TMD commends TMD employees who, outside of their employment at TMD, serve as volunteers with organizations that are part of the *Texas Voluntary Organizations Active in Disaster (TVOAD)*.

b. Employees who are volunteers for a TVOAD organization may be granted up to 10 work days (80

hours) of paid leave per fiscal year to provide volunteer disaster relief services during a state of disaster declared by the Governor of the State of Texas.

c. This policy does not apply if compensation is received for performing emergency services during a disaster. In such situations, employees must complete an outside employment request.

d. An employee requesting to be absent from work to respond to a declared state of disaster must:
(1) notify his/her supervisor of the need to be out of the office as soon as possible due to the disaster; and

(2) submit *TMD OSA HR Optional Form 4-01-OF, TMD Leave Request* (see Appendix 1) to his/her department management and attach documentation from the appropriate TVOAD organization concerning the declared state of disaster.

e. If approved by the employee's department head, the request must be routed through State HR to the Director of State Administration who will decide whether to grant leave under this policy. If granted, State HR will enter the approved amount of Leave for Disaster Volunteer into CAPPs for the identified employee. The amount of this type of paid leave approved for any one work day cannot exceed the amount of the employee's scheduled hours for that day.

4.24. BLOOD AND BLOOD PLATELET DONATION LEAVE.

a. Employees of TMD may take up to two hours of paid leave to donate blood or up to four hours of paid leave for platelet donations. An employee may be allowed a maximum of four absences per fiscal year for the donation of blood or blood platelets, which must be made at a blood bank or center of the employee's choice.

b. This leave must be approved in advance by department management. Requests for absences that could cause a disruption to agency or department operations may be denied.

c. Upon return from an approved absence to donate blood or blood platelets, the employee must provide department management with a donor's receipt or other proof of donation, which department management will promptly email to payroll@military.texas.gov for documentation purposes. In addition, department management will ensure that leave for the absence is entered into CAPPs. The leave code will be entered as DNRBL, and a notation as to whether the donation was for blood or blood platelet will be made in the comment section.

d. During state or national disasters, the Adjutant General or Director of State Administration may grant additional hours of paid emergency leave to allow employees to donate blood. Department management will require advance notice and proof of participation upon the employee's return. Such documentation will be forwarded to hr@military.texas.gov for entry into CAPPs.

e. Donating blood during an agency-sponsored blood drive does not require using leave; does not need to be entered into the electronic leave system; and does not count against the four absences allowed for blood or blood platelet donations. Nevertheless, employees wanting to participate in agency-sponsored blood drives must get prior approval from department management to prevent or minimize disruption to agency or department operations.

4.25. BONE MARROW DONATION LEAVE.

- a. Employees of TMD are entitled to a paid leave of absence for up to five working days in a fiscal year to serve as a bone marrow donor.
- b. This leave must be requested and approved in advance by department management and medical documents must be provided before the employee begins the leave.
- c. Upon return from an approved absence to donate bone marrow, the employee must provide department management with a donor's receipt or other proof of donation, which department management will promptly email to payroll@military.texas.gov for documentation purposes. In addition, department management will ensure that leave for the absence is entered into CAPPS. The leave code will be entered as DNRBM, and a notation as to whether the donation was for bone marrow will be made in the comment section.

4.26. ORGAN DONATION LEAVE.

- a. Employees of TMD are entitled to a paid leave of absence for up to 30 working days in a fiscal year to serve as an organ donor.
- b. This leave must be requested and approved in advance by department management and medical documents must be provided before the employee begins the leave.
- c. Upon return from an approved absence to donate bone marrow, the employee must provide department management with a donor's receipt or other proof of donation, which department management will promptly email to payroll@military.texas.gov for documentation purposes. In addition, department management will ensure that leave for the absence is entered into CAPPS. The leave code will be entered as DNRBM, and a notation as to whether the donation was for bone marrow will be made in the comment section.
- d. An employee who has been absent due to donating an organ must provide certification that he/she is able to resume work. *TMD OSA HR Form 4-09, TMD Fitness for Duty/Return to Work Certification Form* must be completed by the employee's health care provider must be submitted to the employee's supervisor/manager and State HR before the employee will be allowed to return to work.

4.27. TIME OFF TO VOTE.

TMD will allow employees sufficient time to vote without deducting employee pay or accrued leave time. An employee must coordinate any leave for voting with his or her supervisor.

4.28. MILITARY LEAVE.

- a. As the military department of the state of Texas, TMD recognizes the importance of military service. Accordingly, TMD supports its employees who serve in the military and their use of appropriate military-related leave. State and federal law provides employment and re-employment rights to individuals who are called to military service. These laws provide specific job and income protection, as well as a means for employees to secure time off when called to military service.

b. Accurate records of military leave taken will be retained in the employee's departmental file and in the personnel or leave accounting file in State HR. If employees are on military leave for one calendar month or more, accurate records of state service credit will also be maintained.

4.28.1. RESTORATION OF EMPLOYMENT.

To be eligible for restoration to employment upon returning from military service, the employee must have been honorably discharged no later than the fifth anniversary of the date of induction, enlistment, or call to active military service, and be physically and mentally qualified to perform the duties of that position. The Texas Attorney General has ruled that a state employee returning to work following military service under restoration provisions is entitled to include time spent on active duty with longevity of employment (state service credit) for purposes of vacation and sick leave entitlement.

4.28.2. EMPLOYEE RESPONSIBILITIES.

a. Employees must notify supervisors and State HR as soon as possible when they are called for military duty.

b. Employees must furnish a copy of their military orders or a written statement from the appropriate military official as evidence of such duty. The orders or statement must clearly identify the type of duty, length of duty, and duty location in order to determine which type of military leave is applicable.

c. If an employee is unable to provide a copy of the military orders or a written statement because military necessity prevents the giving of notice or the giving of notice is otherwise impossible or unreasonable, the employee must notify his/her supervisor immediately, and provide a copy of the military orders once such orders are available.

d. Specific procedures for requesting a military leave of absence and leave without pay are provided in Appendix 7.

4.28.3. MILITARY LEAVE FOR TRAINING OR DUTY.

a. An employee who is a member of member of the State military forces, any of the reserve components of the United States Armed Forces, or a state or federally authorized urban search and rescue team that is ordered by proper authority to report for military training, military school, active military duty, or urban search and rescue training or duty is entitled to a maximum of 15 work days (120 hours) of paid military leave in a federal fiscal year (awarded annually on 1 October).

b. The 15 days (120 hours) of military leave are working days (not calendar days) and need not be consecutive;

c. If a holiday occurs while an employee is on such military leave, the employee receives holiday pay and the holiday pay is not counted against the 15 days (120 hours).

d. Employees are entitled to carry forward from one federal fiscal year to the next the net balance of unused accumulated leave that does not exceed 45 work days (360 hours).

e. After exhausting paid military leave for active military duty, military training, military school, or

urban search and rescue training or duty, the employee may use accrued compensatory leave, vacation or leave of absence (or a combination) for the remainder of the training or school period. TMD management may require a non-exempt employee to use FLSA compensatory leave before using vacation leave.

f. To facilitate participation in military duties by state employees, TMD will adjust the work schedule of any employee who is a member of the National Guard, the state military forces, or any reserve component of the armed forces so that two of the employee's non-work days per month coincide with two days of military duty to be performed by the employee. In addition, an employee will be afforded enough time off from TMD prior to starting military training, military school, active military duty or urban search and rescue training or duty in order to travel to the duty location and arrive fit to perform the military service.

g. Employees may review the accumulated balance of unused military leave at any time using the Employee Self Service feature in CAPPs.

h. CAPPs time reporting code MLTYT should be used for the 15 days (120 hours) of military leave for *Training or Duty* entries.

4.28.4. MILITARY LEAVE FOR STATE ACTIVE DUTY (SAD) – DISASTER RESPONSE.

New: 09/01/2021

a. TMD grants paid leave to a state employee who is called by the Governor of Texas to active duty as a member of the Texas Military Forces (including the Texas State Guard (TXSG)) in response to a disaster, without loss of paid military or annual leave.

b. Types and hours of authorized leave:

(1) Paid leave of absence for state employees called to State Active Duty (SAD) by the Governor in response to a natural or man-made disaster.

- This leave is not to exceed 7 work days (56 hours).
- CAPPs time reporting code MSPLT should be used for the first 7 hours of leave used for *State Active Duty – Disaster Response* leave entries.
- (2) Paid emergency leave (without the loss of military leave or annual leave) for state employees who are called to State active duty by the Governor as a member of the TXMF (including the TXSG)) in response to a natural or man-made disaster.
- No time limit or maximum amount of paid emergency leave to be awarded is specified.
- CAPPs time reporting code TSGDT should be used after exhausting the 56 hours of MSPLT for *State Active Duty – Disaster Response* leave entries.

4.28.5. MILITARY LEAVE FOR FEDERAL ACTIVE DUTY – TO ASSIST CIVILIAN AUTHORITIES.

a. TMD grants 22 work days (176 hours) of paid emergency leave (without loss of military leave or

annual leave) for TXMF state employees (excluding the TXSG) called to federal active duty for assistance to civil authorities in a declared emergency or for training for that purpose.

b. CAPPS time reporting code NGADT should be used for the first 22 days (176 hours) hours of Military Leave *for Federal Active Duty – To Assist Civilian Authorities* leave entries. After exhausting the 22 days (176 hours) of NGADT, any accrued compensatory leave, vacation or leave of absence (or a combination) should be used for leave entries.

4.28.6. MILITARY LEAVE FOR FEDERAL ACTIVE DUTY – NATIONAL EMERGENCY (UNDER T10 or T32).

a. TMD grants an **unpaid** leave of absence (military leave without pay) for state employees called to active duty under Title 10 or 32, United States Code.

b. State employees in this duty status continue to accrue state service credit but will not accrue vacation or sick leave. However, the employee retains any accrued sick or vacation leave and will be credited with those leave balances upon return to state employment.

c. Employees may use the fifteen work days of paid military leave if they have not already exhausted their annual entitlement.

d. An employee who remains on active duty after exhausting his or her fifteen days of annual entitlement may choose (but is not required) to use all or some portion of accrued vacation or other paid leave to the extent available, or be placed on a leave without pay status, or a combination of the two, for the remainder of the active duty period.

4.28.7. ADDITIONAL PERIODS OF MILITARY LEAVE WITHOUT PAY.

a. Military leave without pay will be granted for all uniformed service duty that is not covered by military leave with pay. Among the reasons are:

(1) extended active duty for a period not to exceed five years plus any additional service imposed by law (see note below);

(2) full-time National Guard duty (usually a 3-year contract);

(3) initial active duty for training (initial enlistment);

b. The following absences may be taken as leave without pay or as available vacation leave or a combination of the two, at the employee's option:

(1) duties resulting from disciplinary action imposed by military authorities;

(2) inactive duty training (drills) performed for the convenience of the member, such as equivalent training, split unit assemblies, make-up drills, etc.

c. Agencies are not required to excuse an employee for incidental military activities such as volunteer work at military facilities (not in duty status), unofficial military activities, etc.

Note: Service in the uniformed services, except the types of service listed below, counts toward the cumulative 5-year limit of military service a person can perform while retaining re-employment rights. The following does NOT count towards the 5-year limit:

- Unable (through no fault of the individual) to obtain release from service or service in excess of 5 years to fulfill an initial period of obligated service;
- Required drills and annual training and other training duty certified by the military to be necessary for professional development or skill training/retraining; or
- Service performed during time of war or national emergency or for other critical missions/contingencies/military requirements.

4.28.8. RETENTION AND CONTINUATION OF BENEFITS DURING MILITARY LEAVE WITHOUT PAY.

a. While in leave without pay (LWOP) status, an employee may continue insurance benefits as long as the employee maintains payment to ERS for any obligating premiums. Additionally, such an employee will accrue annual leave and sick leave which will become available to use upon the employee's return. The employee will also continue to receive retirement service credit for the time in which he/she is in military LWOP status. Current law allows employees to establish up to 60 months of retirement credit for active military duty.

b. When the employee is not paid by the State, contributions to the employee's retirement account stop and credit for service is not granted, but the employee can purchase credit with his/her military service. The employee in LWOP status becomes a non-contributing member but his/her account continues to draw interest. For more information contact ERS at (512) 867-7711 or toll-free (877) 275- 4377.

4.28.9. REINSTATEMENT FROM MILITARY LEAVE WITHOUT PAY.

a. The time limit for submitting an application for re-employment or reporting back to work depends upon the length of uniformed service. If reporting back or submitting an application for re-employment within the specified periods is impossible or unreasonable through no fault of the employee, the employee must report back or submit the application as soon as possible thereafter. The service duration and periods for returning or applying for re-employment are as follows:

(1) less than 31 days, must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an 8-hour rest period;

(2) more than 30 days but less than 181 days, must submit a written or verbal application for re-employment with the agency not later than 14 days after the completion of the period of service; or,

(3) more than 181 days, by submitting an application with the agency not later than 90 days after the completion of the period of service.

b. Reinstatement will be made if the employee:

- (1) separated/discharged from military service under honorable conditions, and
- (2) reports to work or applied for reinstatement within the established time limits.

c. Reinstatement will be to the position the employee would have likely achieved had he or she remained continuously employed. The employee will also receive any promotion or salary increase for which he or she is otherwise eligible. If the period of uniformed service was in excess of 180 days, then the employee will be entitled to reinstatement to the position last occupied immediately prior to the period of military service, or one of like seniority, status and pay with TMD or with another State agency. Re-employment will be effective as promptly as possible under the circumstances. For example, some situations may require a two-week delay to allow for notice to the substitute employee.

d. If, during military service, the employee incurs or aggravates a disability during uniformed service, then to the extent that the duties of the vacated position cannot be performed, the employee will be reinstated to a position most nearly comparable to the vacated position, with duties compatible with the disability and without loss of seniority.

e. The employee's salary upon reinstatement will be based on the salary rate applicable to the position in the job classification that the employee occupied immediately prior to military leave. In no case will the reinstated employee's salary be less than when placed in a military leave status unless the employee's job classification is changed as an accommodation.

f. If the employee was in trainee status at the time of military leave, the addition of trainee adjustments may be considered, at the discretion of the agency head, if it can be determined that military experience was directly related to development in the area of work to be performed in the State position. The addition of trainee adjustments must be made if it can be shown that progression within or through such status is based merely upon the passage of time with satisfactory performance.

Note: It is assumed that an employee had at least satisfactory performance when placed on military leave; therefore, any cost-of-living adjustment should be included in the reinstatement pay. The addition of career growth adjustments or performance bonuses is determined in the same manner as any other employee on leave without pay.

4.28.10. WHO TO CONTACT FOR QUESTIONS.

For questions related to military leave, please contact the State HR Leave Specialist.

4.29. VETERAN MEDICAL LEAVE.

a. An employee of TMD who is a veteran and eligible for health benefits under a program administered by the Veterans Health Administration of the United States Department of Veterans Affairs (VA) may be granted up to 15 days of paid military health care leave each fiscal year. Eligible employees may use this leave to obtain medical or mental health care administered by the VA, including physical rehabilitation. The Adjutant General or Director of State Administration may annually grant additional days of leave if determined appropriate.

b. Employees must promptly submit appointment verification documentation and the number of hours taken to payroll@military.texas.gov. The State HR Leave Specialist will enter the absence into CAPPs.

4.30. FOSTER PARENT LEAVE.

a. An employee of TMD who is a foster parent to a child under the conservatorship of the Department of Family and Protective Services (DFPS) may take paid leave to:

(1) attend staffing meetings held by the DFPS regarding the foster, or

(2) attend the Admission, Review and Dismissal (ARD) meetings held by a school district regarding the foster child.

b. Employees must give reasonable advance notice to department management of the employee's intention to use this leave. The leave code will be entered as FPRNT, and a notation as to whether the leave was for a meeting with DFPS, or ARD meeting will be made in the comment section.

4.31. JURY SERVICE LEAVE.

a. TMD recognizes the importance of the jury system. Accordingly, TMD will not prevent a TMD employee from serving on a jury.

b. A TMD employee who is called for jury service will promptly inform his/her supervisor. An employee who participates in juror services (e.g., jury selection, trial, Grand Jury) will be granted paid leave and may accept fees for juror services.

c. After serving as a juror, the employee will submit documentation to his/her supervisor from the court indicating the time the employee was required to serve in juror activities and enter the absence into the CAPPs using leave code JRDY.

d. The time an employee engaged in jury services is not considered a break in service and is treated as any other paid leave.

4.32. ADMINISTRATIVE LEAVE - OUTSTANDING PERFORMANCE.

a. TMD is committed to recognizing and rewarding outstanding and exemplary performance by employees. Budget constraints often restrict TMD's ability to monetarily compensate employees for outstanding performance. TMD uses this paid leave option to reduce the impact of budget constraints on employee morale.

b. Eligibility. An employee or group of employees may be eligible to receive up to 32 hours per fiscal year of administrative leave with pay in recognition for:

(1) completion of a special work initiative or project in an outstanding manner. In such a situation, granting administrative leave for outstanding performance does not necessarily indicate that an employee has consistently exceeded performance standards for his/her job; or

(2) consistently exceeding performance standards for a minimum of six months.

c. To receive administrative leave for outstanding performance, an employee cannot have received a disciplinary action in the twelve months immediately preceding the recommendation for this type of leave.

d. Department management will recommend administrative leave for outstanding performance by submitting *TMD OSA HR Form 4-10, TMD Administrative Leave for Outstanding Performance Request Form* (see Appendix 1) to the Director of Human Resources describing the performance or action(s) supporting the request. The justification must be detailed and specific.

e. The HR Director will make a recommendation and forward the request to the Adjutant General or Director of State Administrations for approval or denial.

f. Approved/denied requests will be forwarded from State HR to department managers for notification of the employee. The State HR Leave Specialist will enter any approved leave into CAPPs for the employee. Employees receiving outstanding performance leave must enter usage into CAPPs using leave code ADMLT.

4.32.1. DISCLAIMERS AND LIMITATIONS.

a. An employee may be granted up to 32 hours of administrative leave for outstanding performance per fiscal year.

b. Employees who receive administrative leave for outstanding performance may not use such leave after one calendar year of leave award.

c. Administrative leave for outstanding performance must be taken at a time mutually agreeable to the employee and department management.

d. Employees cannot receive administrative leave for outstanding performance for any activity for which they also received overtime leave or pay.

e. Upon approval from department management, an employee voluntarily separating from TMD may remain on TMD payroll and exhaust any administrative leave for outstanding performance if the leave is not carried into the next month.

f. In the case of a separating employee transferring to another state agency, the leave may not run past the start date at the state agency to which the employee is transferring.

g. Administrative leave for outstanding performance may not be transferred to another state agency and cannot be paid when an employee separates from the agency.

h. The award of administrative leave for outstanding performance does not guarantee future employment or prevent a subsequent corrective or disciplinary action, up to and including involuntary separation.

4.33. WELLNESS LEAVE.

a. To encourage the health of TMD employees and to promote the early detection of serious medical conditions, TMD, pursuant to the Texas Government Code, may award eight hours of paid leave each 12-month period to an employee.

b. To be eligible to receive Wellness Leave, employees must:

(1) Provide the date of the employee's annual physical examination;

(2) Provide confirmation of a completed online Health Risk Assessment; and

(3) Sign and submit a properly completed *TMD OSA HR Form 4-13, TMD Wellness Leave Request Form* (see Appendix 1) to the TMD Wellness Coordinator at tanya.kelly@military.texas.gov.

c. The Wellness Coordinator will ensure that employees who submit the required documentation are credited with eight hours of leave.

4.33.1. GUIDELINES AND LIMITATIONS.

a. Employees must use accumulated leave (e.g., sick leave) to cover absences during work hours for the required physical exam.

b. Wellness leave can be used for any approved absence.

c. Wellness leave must be used within 12 months of the end of the month in which it was awarded. Department management will accommodate, to the extent practicable, an employee's request to use accrued wellness leave before it expires.

d. Wellness leave cannot be awarded more than once in a 12-month period.

e. An employee cannot have more than eight hours of wellness leave at any time.

f. An employee separating from TMD cannot receive monetary payment for unused wellness leave.

g. With approval from department management, a separating employee may use wellness leave within his/her final month of employment.

h. Wellness leave is not transferable to another state agency.

i. Providing false or misleading information to obtain wellness leave may lead to disciplinary action, up to and including involuntary separation.

4.34. LEAVE OF ABSENCE (LOA)/LEAVE WITHOUT PAY (LWOP).

a. TMD may grant an employee an unpaid leave of absence in special circumstances. Pursuant to state law, an unpaid leave of absence may not exceed twelve consecutive months, except for military leave and

rare situations, which require approval from the Adjutant General or Director of State Administration. An approved leave of absence is an acceptable type of unpaid absence.

b. An employee who is absent from work who has exhausted all available or eligible paid leave will be placed in leave without pay (LWOP) status for the period of the absence. If this absence from work was not requested and/or approved in advance, it will be considered unapproved LWOP.

c. Additionally, in accordance with Texas Government Code § 661.909, TMD may grant an employee a leave of absence without pay, subject to the following:

(1) Such leave will be limited to a maximum of twelve months;

(2) Except for disciplinary suspensions, active military duty, and workers' compensation situations, all accumulated paid leave entitlements must be exhausted before granting such leave (sick leave must be exhausted only in those cases where the employee is eligible to take sick leave);

(3) Subject to fiscal constraints, approval of leave without pay constitutes a guarantee of employment at the conclusion of the period of time specified; and

(4) The Adjutant General or Director of State Administration may grant exceptions to these limitations for such reasons as allowing the employee to work for another state agency under an interagency agreements or educational purposes.

d. Examples: LWOP may be granted for absences due to: active military duty; a workers' compensation injury; or when good cause is shown and the failure to grant LWOP would or could create a severe hardship for the employee. (e.g., damage to an employee's principal place of dwelling caused by accident or disaster.) Appropriate documentation (e.g., military orders, physician statements, etc.) is required to grant LWOP.

e. LWOP status also may be imposed upon an employee as a disciplinary suspension when such adverse personnel action is appropriate.

f. LWOP is considered exceptional leave and is not intended to be requested or taken simply for employee convenience. Accordingly, TMD may take disciplinary action to correct, or otherwise address, an employee's failure to properly manage his/her leave to avoid unapproved LWOP.

g. An employee on unapproved leave without pay is not guaranteed continued employment at the conclusion of the period of absence.

4.34.1. REQUESTING A LEAVE OF ABSENCE.

a. An employee must submit *TMD OSA HR Optional Form 4-01-OF, TMD Leave Request* (see Appendix 1) to his/her department manager. The request must include a start date, end date, the reason(s) for the absence, and whether the leave of absence will be combined with any paid leave. If the absence is for health reasons, the employee must follow the accommodations policy (see Chapter 2 of this manual). After considering factors such as department needs, the reason for the absence, and the employee's prior performance, department management will recommend denying or granting the request.

b. Department management will promptly forward a request for an unpaid leave of absence through the department head for concurrence/nonconcurrence and forward to State HR at payroll@military.texas.gov for review/approval. If approved, the Director of Human Resources, will review the request for compliance with agency policy. After review, the Director of Human Resources will provide concurrence or nonconcurrence and promptly forward the request to Director of State Administration for final review/approval. Once a decision has been made, State HR will notify the employee and department management of the decision.

c. Employees requesting leave without pay due to a workers' compensation injury or illness must provide a physician's statement to the Workers' Compensation Coordinator in State HR.

4.34.2. EXHAUSTING AVAILABLE LEAVE.

All appropriate accumulated paid leave must be exhausted before beginning an unpaid leave of absence except for leave taken as a result of the Family and Medical Leave Act (FMLA), a workplace injury covered by Workers' Compensation, military leave, and disciplinary suspensions.

4.34.3. LWOP EFFECTS ON PAY AND BENEFITS.

4.34.3.1. LEAVE ACCRUALS.

If an unpaid leave of absence covers an entire calendar month, the employee does not accrue any annual leave or sick leave for that month. An employee on leave without pay the first working day of the month will not receive his/her annual and sick leave accruals until he/she physically returns to duty. An employee who takes a full month of leave without pay will not receive his/her annual or sick leave accruals for that month, unless they are on LWOP due to military leave. Annual and sick leave accruals earned while on military LWOP cannot be used until the employee physically returns to duty.

4.34.3.2. HEALTH AND OPTIONAL BENEFITS.

Employees in a LWOP status will be notified by the State Benefits Coordinator of their responsibility to pay their insurance premiums and, if applicable, TexFlex Health Care account premiums, and the method of payment.

4.34.3.3. STATE SERVICE CREDIT.

Except for an employee who returns to employment from military leave without pay, an employee who is on LWOP for a full calendar month will not accrue state service credit for that month. An employee who is on LWOP for less than a full calendar month will accrue state service credit for the month if the employee otherwise qualifies to accrue credit.

4.34.3.4. MONTHLY PAYROLL.

a. A decrease in salary for the month leave without pay was taken;

b. Possible placement on an off-cycle payroll. Paychecks from off-cycle payroll should be distributed no later than the 15th of the following month;

c. Possible loss of longevity pay if leave without pay is taken on the first working day of the month;
and

d. Possible loss of state's contribution for health insurance if the LWOP is for an entire calendar month or longer and is not covered by FMLA.

4.34.3.5. HOLIDAY PAY.

An employee who takes leave without pay a full day before and/or a full day after a holiday that falls mid-month will not be entitled to that holiday. An employee who takes leave without pay a full day after a holiday that falls on the first working day of the month will not be entitled to that holiday. An employee who takes leave without pay a full day before a holiday that falls on the last working day of the month will not be entitled to that holiday.

4.34.4. LEAVE WITHOUT PAY AND FMLA.

Employees in a LWOP status during a full calendar month are responsible for paying their insurance premiums. Employees are not entitled to the state contribution while they are on any full month of LWOP status, except FMLA. Employees on FMLA leave without pay are entitled to the state contribution (health insurance for employee only). Employees who pay their premiums may continue all Texas Employee Group Benefits Program (GBP) coverage in effect immediately prior to going on a LWOP status, except disability coverage.

4.34.5. RETURNING TO WORK.

Although approval of an unpaid leave of absence constitutes a conditional guarantee of employment, such a guarantee is subject to fiscal constraints and does not alter the employee's at-will employment status. Upon return to duty, the employee may be placed anywhere in the agency with no guarantee of his/her previous salary level or job title. An employee is expected to return to work upon the expiration of the leave of absence unless the employee has requested and received approval for an extension.

4.34.6. UNAPPROVED LEAVE WITHOUT PAY.

a. An employee who enters into a leave without pay status that has not been approved in advance may be subjected to disciplinary action up to and including termination. The applicable supervisor(s) will notify State HR immediately when made aware that an employee is absent from work without available or eligible paid leave.

b. First Occurrence:

If less than a full day, the supervisor may, at his or her discretion, (1) allow the employee to work extra hours to make up the time during that work week, or (2) charge leave without pay. The supervisor will counsel the employee regarding the leave without pay absence and ways to prevent future occurrences. This counseling will be documented in writing and maintained by the supervisor.

c. Second Occurrence (within any twelve-month period):

Supervisor will counsel the employee and warn that a subsequent occurrence may result in a

recommendation for termination of employment. This warning will be documented in writing, forwarded to State HR to be filed in the employee’s personnel file including a reference to the first counseling on the matter.

d. Third Occurrence (within any twelve-month period):

The supervisor may take other disciplinary action up to and including a request, that the employee be terminated from employment. A request for termination of employment must be sent to State HR with proper and adequate documentation.

4.35. STATE HOLIDAYS.

a. Eligible state employees are entitled to a paid day off from work on national, state and optional holidays observed by the state.

b. State agencies are authorized to be closed on all national holidays and certain state holidays — the Friday after Thanksgiving, Christmas Eve and the day after Christmas.

c. Agencies must remain open on the remaining state holidays, with enough staff on hand to manage their day-to-day public business.

Federal and state Holidays

Federal	State
New Year’s Day	Confederate Heroes Day
Martin Luther King, Jr. Day	Texas Independence Day
Presidents’ Day	San Jacinto Day
Memorial Day	Emancipation Day
4th of July	Lyndon B. Johnson’s Birthday
Labor Day	Friday After Thanksgiving
Veterans Day	Christmas Eve
Thanksgiving Day	Day After Christmas
Christmas Day	

4.35.1. HOLIDAYS THAT FALL ON SATURDAY OR SUNDAY.

These holidays:

a. Are not observed on another day (for example, by closing state offices on the workday preceding or following the holiday).

b. Are not observed for that year.

4.35.2. MULTIPLE HOLIDAYS ON THE SAME DAY.

In rare circumstances, more than one holiday may fall on the same day. In such cases, only one holiday is observed, as indicated below:

If two holidays fall on the same date	Rules for the following holiday apply
National or State	National
National or Optional	National
State or Optional	State

4.35.3. ELIGIBILITY FOR PAID HOLIDAYS.

State employees are entitled to paid holidays, if the employee is in a paid status for any part of the workday that occurs:

- a. Before and after the holiday if the holiday falls mid-month;
- b. After the holiday if the holiday falls on the first workday of the month; or
- c. Before the holiday if the holiday falls on the last workday of the month.

4.35.4. PART-TIME EMPLOYEES.

Part-time state employees earn holiday time proportional to the hours they work. For example, a part-time employee who works 20 hours per week would be entitled to four hours of holiday time on a state or national holiday.

4.35.5. EMPLOYEES ON LWOP.

An employee is not entitled to the holiday if they are on leave without pay for the entire day in any of the following situations:

- a. After a first-of-the-month holiday;
- b. Before an end-of-month holiday; or
- c. Before or after a mid-month holiday.

4.35.6. TRANSFERRED EMPLOYEES.

Eligible employees are paid for a holiday if it occurs between the time they stop work at one agency and transfer to another agency with no break in service. The employee is paid by the gaining agency. Example: If an employee works for one state agency through Aug. 31 and begins work at TMD on Sept. 2 (with Sept. 1 being Labor Day in this example), TMD will pay thee employee for the Sept. 1 holiday.

4.35.7. SKELETON CREW HOLIDAYS AND HOLIDAY COMPENSATORY TIME.

- a. On skeleton crew state holidays TMD is required to remain open but is not required to operate with full staff. Only enough employees to manage the public business of TMD is required to be on hand.
- b. Employees who work on skeleton crew holidays are granted holiday compensatory time. Employees earn holiday compensatory time on a one-to-one basis — for each hour worked, an hour of holiday compensatory time is earned, **up to eight hours**. Employees (including employees who work non-standard workweeks) have one year from the date the time was earned to use the leave before it expires.
- c. Holiday compensatory hours do not transfer when an employee moves from one state agency to another unless the transfer is due to a legislative action.

Skeleton Crew Holidays

Confederate Heroes' Day
Texas Independence Day
San Jacinto Day
Emancipation Day

4.35.8. OPTIONAL HOLIDAYS.

- a. State employees are entitled to observe optional holidays — Rosh Hashanah, Yom Kippur or Good Friday — by agreeing to work another state holiday instead.
- b. Cesar Chavez Day (only) may also be taken in lieu of a skeleton crew holiday.

Optional Holidays

Rosh Hashanah
Yom Kippur
Cesar Chavez Day
Good Friday

Standards of Ethical Conduct

Revised: 09/01/2023

5.1. GENERAL.

a. As government employees, our primary objective is to promote the common good, not our own interests. As public servants, we are held to a higher standard of conduct. TMD expects employees to accept the responsibility that comes with being a public servant. TMD employees are to perform their official duties in a lawful, professional and ethical manner befitting the state and the agency, maintaining the public trust and making certain that state business is conducted in an honest and ethical manner.

b. This chapter establishes the policy of the Texas Military Department (TMD) with regard to ethics law for state employees within the department. Final authority for interpreting and implementing this policy rests with the Adjutant General.

c. TMD General Counsel is the Ethics Coordinator and serves in an advisory capacity to the Director of State Human Resources in administering the ethics policy.

5.2. MINIMUM REQUIREMENTS.

This chapter establishes minimal requirements that are not all-inclusive. The absence of a specific rule covering an act discrediting an employee or the agency does not mean that the act is permissible or would not call for disciplinary action, including immediate termination, when considered necessary. This chapter incorporates standards of ethical conduct, guidance from statutory law, TMD policies/directives and other relevant sources.

5.3. REPRESENTATION OF TMD.

a. Each state employee is expected to maintain the highest standards of honesty, integrity, impartiality, and conduct, and to avoid misconduct, conflicts of interest, or the appearance of conflicts of interest.

b. Employees who may, from time to time, be directed or requested by the Adjutant General or Director of State Administration, or his/her designee, to act as an official representative of the department for a specific purpose or occasion, are to observe the following general guidelines with appropriate judgment:

(1) The conduct of an official representative is to be appropriate for the occasion;

(2) Any statements made formally or informally are to reflect favorably and respectfully with reference to TMD and its staff;

(3) No unauthorized commitments or promises, either direct or implied, are to be made verbally or in writing on behalf of the department by any employee representing TMD;

(4) Statements of fact regarding department programs are not to be issued unless previously published, authenticated, and/or approved by the Adjutant General or Director of State Administration, or

his/her designee. Materials are not to be made public unless cleared in the same manner;

(5) Nothing is to be done publicly, by work or deed, that would discredit TMD officials, employees, or programs; and

(6) No new information is to be made public without prior clearance from the Adjutant General or Director of State Administration, or his/her designee.

5.4. COMMUNICATION WITH THE PRESS.

All state employees will forward inquiries from the press to the Public Affairs Office and notify their supervisor. The Public Affairs Office will coordinate any response and provide situational awareness to the Director of State Administration and the Office of the Adjutant General as applicable.

5.5. LAWSUITS RELATED TO OFFICIAL DUTIES.

a. Employees who receive a complaint or summons in a civil suit involving their duties with TMD shall immediately report the matter to their supervisor and State Human Resources. This information shall be immediately forwarded to the General Counsel's Office.

b. An employee who is sued civilly or charged with violation of local, state or federal laws as a result of the performance of official duties may be entitled to legal representation, free of charge, by TMD. The employee may also hire a legal representative at his/her own expense.

5.6. ASSAULTS AND THREATS AGAINST EMPLOYEES/VIOLENCE IN THE WORKPLACE.

a. TMD is committed to workplace safety and prohibiting violence in the workplace. TMD expressly prohibits and will not tolerate statements or behavior that can be considered as direct or indirect threats to the safety of other individuals in the workplace or persons with whom the department conducts business. TMD will assume all threats of violence are legitimate, including those purportedly made in jest, and will conduct appropriate investigations.

b. It is the policy of TMD that:

(1) All employees shall be provided with a safe, non-violent work environment;

(2) Every employee has a responsibility to report perceived or actual incidents of violence;

(3) Every report of perceived or actual incidents of violence shall be thoroughly investigated; and

(4) Appropriate sanctions, up to and including immediate dismissal, shall be applied to persons who violate this policy.

c. Acts or threats of violence include, but are not limited to, any act that involves violence, force, or threat; and

(1) results in physical injury; or

(2) reasonably makes someone fear death, sexual assault, or physical injury.

d. Examples of acts or threats of violence that are prohibited include, but are not limited to, the following:

(1) Physical acts of violence inflicted on other people, including assault and battery, homicide, attempted homicide, and rape;

(2) Written or verbal threats of violence;

(3) Threatening conduct, such as harassing or intimidating others, displaying intense anger, and showing off or actually brandishing a weapon or item which could be used as a weapon;

(4) Bomb threats;

(5) Deliberate destruction of equipment and property, including arson; and

(6) Other actions that communicate a direct or indirect threat of physical or psychological harm.

e. Employees must report to their supervisors, or to any supervisor or manager, all assaults, threats, or forcible interference against them or the agency in the course of their official duties. All assaults or threats against members or their families, when made to impede the performance of the employee's official duties, must also be reported.

5.7. POLITICAL ACTIVITIES.

a. Employees shall not engage in any political activity while on state time or utilize state resources for any political activity.

b. None of the moneys appropriated by the Appropriations Act, regardless of their source or character, may can be used for influencing the outcome of any election, or the passage or defeat of any legislative measure. This prohibition does not prevent any official or employee of the state from furnishing to any Member of the Legislature or committee upon request, or to any other state official or employee or to any citizen, information in the hands of the employee or official not considered under law to be confidential information.

c. No TMD employee is authorized to use public funds, regardless of the funds source or character, to influence the outcome of an election, or to influence whether a legislative measure passes or fails. However, a state employee may be delegated the authority to provide department related information, not otherwise prohibited from disclosure to any member of the legislature, a legislative committee, or any member of the public, when lawfully requested.

d. TMD may not use any money under its control, including appropriated money, to finance or otherwise support the candidacy of a person for office in the legislative, executive, or judicial branch of state government or of the government of the United States. Additionally, TMD may not use these funds to directly or indirectly hire employees to assist in such a candidacy.

e. No TMD officer or employee may use a state-owned or state-leased motor vehicle to assist a candidate in his or her campaign for office.

f. TMD may not use state funds to pay a person or entity, or any partner, employee, employer, relative, contractor, consultant, or related entity of such a person or entity, required to register as lobbyist under Chapter 305 of the Texas Government Code.

g. TMD may not use appropriated money to pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305 of the Texas Government Code to register as a lobbyist. However, to the extent the department makes an authorized payment on behalf of an employee to an institution of higher learning, such payment is not prohibited where a portion thereof is considered a mandatory student services fee and is used to pay reasonable dues to an organization that represents student interests before the legislature or the Congress of the United States.

5.8. FRAUD.

a. TMD has zero tolerance for any type of fraud. Every TMD employee is responsible for ensuring that the public's expectation of honesty and integrity in government is met.

b. TMD employees must not waste, misuse, or steal state property. When an employee has reasonable cause to believe that a loss has occurred due to fraudulent or unlawful conduct, he or she must report that loss to the State Auditor.

c. A "reasonable cause to believe" occurs when facts exist that would cause a reasonably prudent person to determine that an offense has been committed. However, employees should consider the following prior to reporting an incident:

(1) The belief is based on more than a mere suspicion, and

(2) The individual is able to point to particular facts that support the belief that a loss may have occurred as a result of fraud or unlawful conduct. (The employee is not required to establish probable cause or identify a suspect.)

d. Individuals should report fraudulent or unlawful conduct to their supervisor, the Director of State Human Resources or Executive Management. If an individual believes a felony or misdemeanor has occurred, he or she should also contact the appropriate law enforcement authority.

5.9. STANDARDS OF PERFORMANCE.

a. Employees must conscientiously perform their duties to the highest standards for the department and the public.

b. Employees are required to respond readily to the direction of their supervisors, to cooperate fully with all properly constituted authorities and to do their work promptly and accurately.

c. All relations with fellow employees, the public, and others must be conducted in a manner which will not needlessly cause dissension or discord among employees or disrupt official business. Differences

or disagreements with fellow employees or supervisors need not go unexpressed. These situations can be handled properly through the chain of command or other dispute resolutions process as appropriate.

5.10. STATUTORY STATE AGENCY STANDARDS OF CONDUCT.

a. Section 572.051, Texas Government Code, sets forth specific standards of conduct for officers and employees of the State. A state officer or employee should not:

(1) Accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct;

(2) Accept other employment or engage in business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;

(3) Accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;

(4) Make personal investments which could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; or

(5) Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.

b. A state employee who violates the above standards of conduct or an ethics policy adopted by TMD is subject to termination of the employee's state employment or another employment-related sanction. Notwithstanding this subsection, a state officer or employee who violates Subsection (a) is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

5.11. TMD STANDARDS OF CONDUCT.

a. All TMD employees are expected to conduct themselves in a professional manner when performing duties related to the department; and follow rules of conduct that will protect the interests and safety of others. Conduct prohibited by policies in this manual is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, or business-related social events. It is not possible to list all forms of behavior that are considered unacceptable in the workplace.

b. The following standards of conduct apply to every employee.

(1) Employees shall endeavor to avoid any conduct creating the appearance of violating the law or the ethical standards in this policy. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

(2) Employees shall protect and conserve state property and shall not use it for other than authorized activities.

(3) Employees shall act impartially and exhibit positive, nondiscriminatory behavior toward coworkers, customers and the public.

(4) Employees shall adhere to all laws and regulations that provide equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, or disability.

(5) Employees shall disclose waste, fraud, abuse, corruption and ethical concerns as required by and consistent with TMD's policy on reporting fraud, theft, waste and abuse in section 5.8. of TMD State Employee Personnel Manual.

(6) Employees shall not accept or solicit any gift, favor, or service that might reasonably tend to influence the performance of official duties or that the employee knows or should know is being offered with the intent to influence the employee's official conduct.

(7) Employees shall not seek or accept other employment, including self-employment, or compensation or engage in a business, charity, nonprofit organization, professional, or volunteer activity that could reasonably be expected to impair the employee's independence of judgment in performing official duties.

(8) Employees shall not make personal investments, or have a personal or financial interest, that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest.

(9) Employees shall not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised official powers or performed official duties in favor of another.

(10) Employees shall not knowingly make misleading statements, either oral or written, or provide false information, in the course of official business.

c. The following are **examples of infractions of rules of conduct that may result in disciplinary action**, up to and including termination of employment:

(1) Falsification of employment records, employment information, or other records;

(2) Falsification of work time;

(3) Theft or the deliberate or careless damage of any TMD property;

(4) Unauthorized use of TMD equipment, materials, or facilities;

(5) Possessing, distributing, selling, transferring, or using illegal drugs in the workplace;

(6) Being under the influence of alcohol or illegal drugs in the workplace;

(7) Unlawfully carrying firearms on premises owned or occupied by TMD;

(8) Engaging in criminal conduct;

(9) Insubordination, including but not limited to failure or refusal to obey the lawful orders or instructions of any supervisor or member of management;

(10) Using abusive or threatening language at any time during working hours or while on premises owned or occupied by TMD;

(11) Unreported absence;

(12) Failing to obtain permission to leave work during working hours. This does not prevent employees from leaving the premises during their scheduled lunch period;

(13) Failing to observe (or obtain permission to deviate from) working schedules, including rest and lunch periods;

(14) Abusing sick leave;

(15) Failing to provide a physician's certificate when requested or required to do so;

(16) Working overtime without authorization or refusing to work assigned overtime;

(17) Violating any safety, health, or security policy, rule, or TMD policy or procedure; or

(18) Committing a fraudulent act or a breach of trust in any circumstances.

d. Although employment may be terminated at-will by either the employee or TMD at any time, without following any formal system of discipline or warning, TMD may exercise discretion to utilize forms of discipline that are less severe than termination. Examples of less severe forms of discipline include verbal warnings, written warnings, demotions, and suspensions. While one or more of these forms of discipline may be taken, no formal order or procedures are necessary.

e. Egregious conduct may result in immediate dismissal/termination. Examples of egregious conduct/behavior include, but are not limited to the following:

(1) Violence or threat of violence, including but not limited to conduct that causes or could cause a reasonable person to fear physical harm or damage to property, or other similar conduct;

(2) Conduct that poses a serious risk of harm to people or resources;

(3) Violation of TMD policies against discrimination, sexual harassment, or retaliation;

(4) Use, being under the influence or possession of alcohol or illegal use of drugs and/or being under the influence of illegal drugs while on TMD property or when engaged in TMD business and when such conduct poses a serious threat of harm to people, property and/or resources of TMD;

(5) Any conduct that threatens safety and/or welfare of employees or customers of TMD;

(6) Theft including but not limited to theft of resources; theft or unauthorized possession or use of TMD property, theft of time (falsifying time to receive pay for time not worked), or other similar conduct;

(7) A conviction of, a plea in abeyance (until expunged), or a plea of guilty or no contest to any crime that adversely impacts TMD or disqualifies an employee from performing their job;

(8) Unauthorized and intentional access to or disclosure of confidential, privileged or controlled information or records, or any similar conduct;

(9) Violation of applicable statutory requirements, policies, or procedures that protect the environment and the health and safety of others, or any similar conduct; or

(10) Intentionally using position/affiliation with TMD for personal gain or in a manner that brings disrepute to TMD or otherwise adversely impacts the course of business and/or operations of TMD.

5.12. CONFLICTS OF INTEREST.

a. A conflict of interest exists when a private interest (financial, personal, or one resulting from non-government employment) might cause an employee:

(1) To perform his or her official duties in a way other than he or she would have if he or she had no such private interest; or

(2) To use information gained through official duties for personal benefit.

b. An apparent conflict of interest exists whenever a reasonable person might suspect that a private interest (financial, personal or one resulting from non-government employment) might cause an employee:

(1) To perform his or her official duties in a way other than he or she would have if he or she had no such private interest; or

(2) To use information gained through official duties for personal benefit.

c. In addition, Sec. 437.060, Texas Government Code, sets forth specific provisions regarding conflict of interest as follows:

(1) A person may not be appointed Adjutant General, a Deputy Adjutant General, a General Officer, Judge Advocate General, or Director of State Administration if the person is required to register as a lobbyist under Chapter 305 of the Texas Government Code because of the person's activities for compensation on behalf of a profession related to the operation of the department.

(2) An officer, employee, or paid consultant of a Texas trade association in the field of defense or veterans' affairs may not be appointed Adjutant General, a Deputy Adjutant General, a General Officer, Judge Advocate General, or the Director of State Administration.

(3) A person who is the spouse of an officer, manager, or paid consultant of a Texas trade association in the field of defense or veterans' affairs may not be appointed Adjutant General, a Deputy

Adjutant General, a General Officer, Judge Advocate General, or the Director of State Administration;

(4) For the purposes of this section, a Texas trade association is a nonprofit, cooperative, and voluntarily joined association in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

5.12.1. PERSONAL INVESTMENTS.

An officer or employee of the department may not make personal investments which could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest.

5.12.2. SPECIAL PROVISIONS PERTAINING TO TMD PROCUREMENT AND CONTRACTS.

a. A special responsibility is imposed on employees who are entrusted with the disposition of state funds. State contracting and purchasing functions must be independent, free of obligation or suspicion, and completely fair and impartial, thereby avoiding even the appearance of impropriety. Specific provisions exist in Texas statutes setting forth ethical standards regarding interactions with vendors and respondents or disclosure by an employee or official involved in state agency purchasing and contracting.

b. TMD staff involved in purchasing, solicitations and contracts should be familiar with these requirements. See the following for more information regarding these requirements: [State of Texas Procurement and Contract Management Guide](#).

5.12.2.1. COMMUNICATIONS WITH VENDORS AND RESPONDENTS IN A COMPETITIVE PROCUREMENT OR SOLICITATION.

a. According to the State of Texas Procurement and Contract Management Guide, all communication with potential respondents should be made only through the Purchasing Department or other designated staff prior to award. The agency program staff should not have contact with potential respondents outside of pre-solicitation conferences, which are facilitated by designated staff from the Procurement and Contract Services Department. Likewise, a respondent that contacts someone other than authorized staff about a solicitation may be disqualified.

b. TMD staff should forward communications from a respondent to the designated TMD contracts, grants or purchasing staff.

5.12.2.2. REQUIRED DISCLOSURE OF POTENTIAL CONFLICTS: PROCUREMENT AND CONTRACT MANAGEMENT EMPLOYEES.

a. Pursuant to Sec. 2261.252 and Sec. 2262.004, Texas Government Code, each TMD employee or official who is involved in procurement or in contract management shall disclose to the agency any potential conflict of interest specified by state law or agency policy that is known by the employee or official with respect to any contract with the private vendor or bid for the purchase of goods or services from a private vendor by the agency.

b. Additionally, the agency may not enter into a contract for the purchase of goods or services with a

private vendor with whom any of the following agency employees or officials have a financial interest: the Adjutant General, the Director of State Administration, the General Counsel, or Procurement Director, or any family member related within the second degree by affinity or consanguinity.

c. Disclosure documents associated with this requirement are maintained and provided by the General Counsel's Office. Questions regarding these disclosure filings should be directed to that office.

5.12.2.3. POST-EMPLOYMENT RESTRICTION.

A former state officer or employee of a Texas Military Department (TMD) who during the period of state service or employment participated on behalf of TMD in a procurement or contract negotiation involving a person, may not accept employment from that person before the second anniversary of the date the officer's or employee's service or employment with the state agency ceased.

5.13. DISCLOSURE OF INFORMATION/CONFIDENTIALITY.

a. Employees shall not disclose confidential information or information that is excepted from public disclosure by law or TMD rule under the Texas Public Information Act Chapter 552 of the Texas Government Code) or information that has been ordered sealed by a court, that was acquired by reason of the employee's official position; nor shall the employee engage in other employment, including self-employment, or compensation or engage in a business, charity, nonprofit organization, professional, or volunteer activity that the employee might reasonably expect would require or induce the employee to disclose confidential information.

b. It is the responsibility of each employee to ensure that, when dealing with non-TMD personnel, there is no improper disclosure of non-public information. All questions concerning the disclosure of information should be directed to the appropriate supervisor or manager, the General Counsel's Office (FOIA/TPIA Officer).

c. If an employee improperly discloses confidential information, he or she may be terminated from employment with the department

5.14. ACCEPTANCE OF BENEFITS OR GIFTS.

a. Public servants, which by definition includes TMD employees, are generally prohibited by the Texas Penal Code from accepting certain gifts or "benefits." Violations of these laws carry criminal penalties, and complaints alleging such violations are handled by local prosecutors.

b. A state officer or employee should not accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct. Even where the acceptance of a gift would not be a technical violation of law, officers and employees of TMD should refrain from accepting such a gift, where its acceptance would create the appearance of impropriety.

c. The statutory definition of "benefit" is "anything reasonably regarded as a pecuniary gain or pecuniary advantage, including the benefit of any third party in whose welfare the employee is interested—such as a family member." This definition does not include benefits received from another

governmental entity. For examples of benefits, the Texas Ethics Commission has stated in its advisory opinions that the following gifts are benefits: a \$50 clock, a hotel room, a hunting trip, football tickets, a \$160 rifle, and a \$60 restaurant meal.

d. TMD employees must remain vigilant of the potential appearance of impropriety associated with even the smallest token offered by an entity or individual. TMD employees must consult with TMD management before accepting any benefit or gift.

5.15. FIREARMS.

State employees must comply with the Adjutant General's Directive on Privately Owned Firearms. A copy of this policy is posted at <https://tmd.texas.gov/Data/Sites/1/media/tmdpolicies/2022/february/tmdd-5210.01-privately-owned-firearms-20220211.pdf> and provided in Appendix 8.

5.16. DRUG AND ALCOHOL-FREE WORKPLACE.

5.16.1. GENERAL.

a. TMD recognizes that the illegal and/or abusive use of alcohol or drugs by employees can prevent TMD from meeting its commitments and accomplishing its missions. Further, such use jeopardizes the safety and welfare of the individual, fellow employees, and the TMD community.

b. Any state employee who violates this prohibition, whether on department premises or while traveling on duty of the department, will be subject to disciplinary action up to and including termination.

c. The provisions of this drug and alcohol policy do not relieve an employee from requirements pursuant to other TMD policies on drugs and alcohol.

5.16.2. PURPOSE.

The purpose of this policy is to provide a safe, productive, drug and alcohol-free workplace. TMD strives to create a healthier and more productive work environment for all employees and to assure respect and support for each employee as individuals.

5.16.3. SCOPE.

This policy:

a. Applies to all state employees regardless of classification or position and includes temporary and part-time employees. All state employees, as a condition of employment, will comply with this policy.

b. Applies to the use of illegal drugs and inhalants, as well as the abuse of alcoholic beverages and prescription drugs.

c. Does not alter or restrict the authority of the Adjutant General to make employment-related decisions.

5.16.4. POLICY.

- a. Consistent with State and federal law, the unauthorized purchase, manufacture, distribution, possession, sale, storage, or use of an illegal drug or controlled substance while on duty, while in or on premises or property owned or controlled by TMD, or while in vehicles used for TMD business is prohibited.
- b. The unauthorized use or possession of alcohol while on duty or while in vehicles used for TMD business is prohibited.
- c. The use of alcohol or an illegal drug or controlled substance while not on duty that adversely affects job performance or may adversely affect the health or safety of other employees, contractors, or visitors is prohibited.
- d. The use of alcohol at an authorized TMD function, in the course of official TMD business, or at an authorized TMD site that adversely affects job performance or may adversely affect the health or safety of any other person is prohibited.
- e. Published warnings about prescribed or over-the-counter medication and its impact on work performance or the adverse effects on the safety of others must be heeded by the employee. A supervisor's advice and assistance may be necessary when job adjustments are required to ensure an employee's ability to perform assigned work in a safe manner because of the use of such medications.
- f. The distribution to others of a drug or controlled substance obtained pursuant to a prescription, except by duly licensed and certified persons, while on duty or while in or on TMD premises is prohibited.
- g. Employees must notify TMD in writing within five (5) days of a conviction under a criminal drug or alcohol statute.

5.16.5. TREATMENT AND COUNSELING PROGRAMS.

- a. Because of the considerable health risks involved in drug and alcohol use, resources are available to assist TMD employees in understanding and dealing with drug and alcohol abuse problems. Employees can learn about the dangers of substance abuse and get information about treatment and counseling options available through the Employee Assistance Program and State Human Resources. Employees who use illegal drugs or abuse controlled substances or alcohol are encouraged to seek help from available resources.
- b. Participation in an available treatment program is voluntary.

5.16.6. LIMITED DRUG TESTING.

Security Officer employees will be required to participate in drug testing/screening according to specific policies applicable to those programs. Starbase and ChalleNGe, employees may be required to participate in drug testing/screening according to specific policies applicable to those programs.

5.16.7. CONSEQUENCES.

a. An employee who unlawfully manufactures, sells, distributes, possesses, or uses a controlled substance in or on premises or property owned or controlled by TMD, or while in vehicles used for TMD business, regardless of whether such activity results in the imposition of a penalty under a criminal statute, will be subject to appropriate disciplinary action, including termination.

b. Being found guilty of or accepting deferred adjudication for “Driving under the influence” (DUI) will constitute abuse of alcohol or drugs and will subject the employee to termination.

5.17. SMOKE/TOBACCO/VAPE-FREE WORKPLACE.

a. TMD prohibits the use of all forms of tobacco, smoke, and mechanical nicotine delivery devices (vaping) in all offices, work areas, and common areas of buildings under the control of the Texas Military Department. Common areas are defined as all lobbies, elevators, public restrooms, stairwells, enclosed corridors, snack bars or other food service areas, and all conference rooms. A designated smoking/vaping area may be assigned outside of each building by the supervisor(s) in charge of the building.

b. Employees may use their normally allowed breaks to smoke/vape. Littering TMD facilities with the remains of tobacco products or mechanical nicotine delivery devices or any other related waste product is also prohibited.

c. This policy applies to all employees, contractors and visitors twenty-four (24) hours a day, seven (7) days a week.

d. Adherence to this policy is the responsibility of all members of the TMD community. It is expected that employees, contractors and visitors to TMD facilities will comply with this policy. Members of TMD are empowered to respectfully inform others about the policy in an ongoing effort to enhance awareness of and encourage compliance with this policy. If someone is seen using tobacco/smoking or using mechanical nicotine delivery devices in unauthorized areas, an employee may inform the individual of this policy and request that he/she comply. If the individual does not comply, details of the policy violation may be referred to the Director of State Human Resources Services for appropriate resolution.

e. Certain TMD programs may be declared smoke/tobacco and vape-free due to their unique relationship to the community.

Employee Complaints/Grievances

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6.1. GENERAL.

a. It is important that employees are treated fairly and receive prompt responses to problems and concerns. For this reason, the Texas Military Department (TMD) provides informal and formal procedures to promote prompt resolution of work-related complaints. Whenever possible, complaints should be resolved in an informal setting, which may include mediation or other alternative dispute resolution processes.

b. The Texas Military Department (TMD) has zero tolerance for all forms of discrimination based on race, color, religion, sex (gender, pregnancy, childbirth), including sexual harassment, national origin, age (40 or above), disability, or genetic information (collectively “protected class”). Retaliation for opposing or reporting discrimination, or for associating with someone who has opposed or reported discrimination, is prohibited. Employees must follow the guidelines within Chapter 2 of this manual, “Employment Practices” regarding the reporting of such discrimination in the workplace to ensure prompt remedial action and to help maintain a work environment free from illegal employment discrimination.

c. An employee who violates the provisions of this policy may be subject to disciplinary action, up to and including dismissal, in accordance with Chapter 5 of this manual, “Ethics and Standards of Conduct.”

d. The Director of State Human Resources (HR) (or his/her designee) serves as the employee grievance coordinator when a complaint calls for formal resolution. The procedures below may be used without fear of retaliation. State Human Resources is available to assist throughout the process. Subject to certain exceptions and limitations listed below, an employee may file a grievance regarding any employment-related matter, including working conditions, employment discrimination, harassment, and adverse personnel actions.

6.2. PROHIBITIONS ON RETALIATION AND PROVIDING FALSE INFORMATION.

a. TMD also prohibits retaliation and providing false information. All employees should be aware that the term “retaliation” has a legal meaning and some of the following examples may not constitute legally actionable retaliation. Nevertheless, TMD retains the right to discipline employees for acts TMD defines as retaliation, regardless of whether such acts would constitute legally actionable retaliation.

b. Prohibition on Retaliation.

(1) TMD prohibits retaliation. Examples of adverse actions that may be considered by TMD to be retaliation include:

- a. Inappropriately disciplining an employee;
- b. Inappropriately changing an employee’s work assignment;

- c. Inappropriately refusing to cooperate or discuss work-related matters with an employee;
- d. Providing ratings on an employee's performance evaluation that are below the employee's actual job performance; or
- e. Intimidating an employee.

(2) Retaliation against individuals other than employees for engaging in protected activities may be a violation of Chapter 5 of this manual, "Ethics and Standards of Conduct."

c. Prohibition on Providing False Information. TMD also prohibits employees from providing false information in any report, investigation, or hearing. Filing a complaint under this policy that the employee knows is unjustified is a violation of Chapter 5 of this manual, "Ethics and Standards of Conduct."

6.3. REPORTING ALLEGATIONS.

6.3.1. GENERAL PROVISIONS.

a. Time limits are subject to modification on a case-by-case basis due to business necessity, in depth investigations, etc. The Director of State Administration has final authority to resolve any disputes regarding the implementation of these procedures.

b. Procedures, including determination of the appropriate decision makers, are subject only to the authority of the Adjutant General.

c. Grievances will be assigned to the appropriate level manager within the employee's chain of command for investigation, or when appropriate to an independent investigator. Employees, supervisors, and managers are always free to resolve disagreements informally apart from the procedures established below with the assistance of an individual trained to handle these type of issues (i.e., a mediator).

d. A neutral investigator outside of the employee's supervisory chain of command may be assigned to gather information and present findings to the decision maker. The TAG or the Director of State Administration can designate someone to investigate. This will normally be done when the investigation involves sensitive employment complaints (e.g., harassment or discrimination complaints); or the situation is so severe that extraordinary measures may be required (e.g., physical assault or threat of physical harm). As a general rule, the official investigation by the neutral investigator should be completed within 30 calendar days after assignment of the complaint and may be extended due to the nature of the complaint and any extenuating circumstances. An investigator may provide conclusions and/or recommendations to the appropriate decision maker if asked to do so after his/her findings are presented.

6.4. PROCEDURES.

6.4.1. GENERAL.

a. Normal day-to-day discussions between an employee and a supervisor regarding working conditions and employment-related matters are the most constructive and expeditious means of developing and enhancing favorable and effective work relationships. TMD encourages employees and

supervisors to attempt to resolve matters by using informal problem-solving techniques before filing a formal grievance. However, when a matter is not resolved to the satisfaction of the employee, the employee may seek resolution by submitting a grievance in accordance with this policy.

b. Submission of a grievance by an employee must not be construed as reflecting unfavorably on an employee's good standing, performance, or loyalty to TMD. Similarly, grievances must not be construed as reflecting unfavorably on the quality of supervision or on the general management of TMD.

c. State Human Resources Assistance. An employee may contact the State Human Resources Complaints Coordinator, to confidentially discuss any questions regarding whether a complaint is a grievable issue or a discrimination complaint.

6.4.2. GRIEVABLE AND NON-GRIEVABLE ISSUES.

a. Grievable Issues. An employee may submit a grievance related to an employment-related matter. Issues that can be grieved under these procedures include but are not limited to the following:

(1) Disciplinary actions and other forms of adverse personnel action (subject to the limitations in the list of non-grievable issues and limitations established by agency policies relating to administrative separation);

(2) Working conditions; and

(3) Unlawful conduct or other serious impropriety (e.g., retaliation prohibited by policy or law).

b. Non-grievable issues include, but are not limited to:

(1) Voluntary resignation;

(2) Administrative suspension with pay;

(3) Reduction-in-force (RIF);

(4) Position Classification or Reclassification;

(5) An agreement reached through mediation;

(6) A final decision regarding sick leave pool, family leave pool, or sick leave donations;

(7) Issues mandated by law or court order or otherwise outside TMD's control;

(8) An action that has not yet occurred, such as a pending disciplinary action or recommendation for dismissal;

(9) Being required to work during an emergency situation, not including a complaint of an unfair rotation requirement;

(10) Discipline or other adverse personnel action issued to someone else;

- (11) A decision to investigate or the assignment of an investigation to a particular person;
- (12) The findings resulting from an investigation conducted by TMD's Office of the Inspector General or other designated investigator;
- (13) A decision by the state Human Resources Director, with the concurrence of the Director of State Administration, to dismiss a grievance as provided under "Grievance Revision or Dismissal" below;
- (14) The assignment of a grievance to a particular decision authority;
- (15) A delay in grievance processing or resolution,
- (16) A directive or approval issued by the Adjutant General or Director of State Administration, including but not limited to termination of employment, other disciplinary or payroll action or a change in working conditions;
- (17) An agreement reached through employee mediation; or
- (18) A designation of ineligibility for rehire.

6.4.3. SUBMISSION OF A COMPLAINT/GRIEVANCE.

a. General Provisions.

(1) Compliance with Procedures. It is a grievant's responsibility to be knowledgeable of and seek clarification of procedures for submitting a grievance. Being unaware of the existence of or not having a clear understanding of these procedures is not a defense for failure to comply with these procedures. A grievance must not be accepted if it does not comply with this policy.

(2) Employee Complaint/Grievance Form. All grievances must be submitted on *TMD OSA HR Form 6-01 – TMD State Employee Complaint/Grievance Form*. An employee may obtain a copy of the current form from this manual (see Appendix 1) or by request to State Human Resources. The grievant must submit an original completed TMD OSA HR Form 6-01 with any supporting documentation.

(3) Use of State Resources. A grievant must not use state resources to prepare or submit a grievance. This does not exclude an employee from being on state property when submitting a grievance. However, an agency fax machine or email may be used to submit a grievance to the state Human Resources Complaints Coordinator.

b. Initial Submission of Grievance.

(1) Relating to Dismissal/Termination.

a. The grievant must complete, sign, and submit the original TMD Form 6-01 in accordance with the written instructions the grievant received when provided a copy of the approved dismissal/termination notice.

b. If the certified mail is not accepted by signature, or the grievant fails to request the information in person within 60 days of the postmark, the grievant forfeits the right to grieve the

dismissal/termination.

(2) All Other Grievances. A grievant must complete, sign, and submit the original TMD OSA HR Form 6-01 to the State Human Resources Complaint Coordinator.

c. Submission Time Limits. TMD OSA HR Form 6-01 and any supporting documentation for the grievance must be considered submitted on the date the documents are sent to the State Human Resources Complaint Coordinator. Time limits are outlined below.

(1) Grievances Relating to a One-Time Incident.

a. A grievance relating to a one-time incident must be submitted within 21 calendar days after the date the incident occurred or the grievant first became aware of the incident, unless the appropriate division director, Human Resources Director, or Director of State Administration grants an exception to this time limit and specifies the exception(s) allowed.

b. The first day of the 21-calendar day period must be the day after the incident occurred or the grievant first became aware of the incident. For example, if the incident occurs on Monday, or the grievant becomes aware of the incident on Monday, Tuesday must be the first day of the 21-calendar day period.

c. If the last day of the 21-calendar day period falls on a day TMD offices are closed or on a day the U.S. Post Office is closed, the 21-calendar day period must be extended by the number of calendar days TMD offices or the U.S. Post Office are closed.

(2) Grievances Relating to a Dismissal/Termination Recommendation.

a. A grievance regarding any issue relating to a grievant's dismissal/termination must not be accepted until a final decision has been made regarding the dismissal/termination. The grievance must be submitted within 21 calendar days after the date the employee receives a copy of the approved dismissal/termination notice.

b. If the certified mail is not accepted by signature, or the grievant fails to request the information in person within 60 days of the postmark, the grievant forfeits the right to grieve the dismissal.

(3) Grievances Relating to Continuing Conditions. A grievance relating to continuing conditions must be submitted no later than 21 calendar days after the date of the last incident.

6.4.4. PROCESSING ACCEPTED GRIEVANCES.

a. General Provisions.

(1) There are generally four steps in the grievance process.

(2) If at any step the grievant elects to withdraw a grievance, the grievant must submit a written request to the Complaints Coordinator.

b. Step One. Discuss Complaint/Grievance with Immediate Supervisor.

(1) Complaints often arise from misunderstandings that can be settled promptly on an informal basis at the immediate supervisory level. If the complaint involves the employee's direct supervisor and/or someone within their chain of command, the employee may bypass step one and go to step two. The Adjutant General strongly encourages informal resolution of complaints. Employees should first discuss the complaint with their immediate supervisor within three (3) business days of the situation whenever possible. Every effort should be made, both on the part of the supervisor and the employee, to address the complaint at this level. If the complaint is not resolved as a result of this discussion, or such discussion is not appropriate under the circumstances, then proceed to Step Two. If the action in dispute involves suspension of employment, Steps One and Two should be bypassed.

(2) If an employee feels his/her complaint was not resolved in discussions with his/her immediate supervisor, the employee may prepare and submit a formal written complaint for review by the person to whom the employee's immediate supervisor reports ("second level supervisor"). To do so, the employee should prepare TMD OSA HR Form 6-01 and submit it to the state Human Resources Complaints Coordinator within seven (7) business days of the Step One discussion with the immediate supervisor (or within seven (7) business days of the event being grieved if Step One is bypassed).

c. Step Two. Prepare and Submit TMD OSA HR Form 6-01 to the state Human Resources Complaints Coordinator for investigation by second-level supervisor/manager or independent investigator.

(1) Essential Elements of a Grievance. The essential elements of a grievance include the specific complaint, the adverse effect, and the requested relief, which must be clearly summarized by typing or legibly writing on page one of TMD OSA HR Form 6-01 (a separate attachment may be included if more room is needed). The submission should include any applicable documents issued to the employee relating to the action, event, or condition being grieved (e.g., copy of shift change notice, performance evaluation, or employee disciplinary action record). A grievance challenging an adverse personnel action must identify the specific adverse personnel action being challenged.

(2) Complaint. Each grievance must include one specific complaint regarding one incident or one employment-related matter affecting the employee.

a. The complaint must involve a grievable issue.

b. The complaint must not relate to an incident that has not yet occurred; for example, a write-up that could result in disciplinary action.

c. The complaint must refer to only one individual. If an employee is complaining about more than one individual, the employee must submit a separate grievance for each individual and provide the full name of each individual.

d. Only one employment-related matter may be identified in the complaint. A grievance identifying multiple employment-related matters, or employment-related matters already addressed in a grievance previously submitted by the same grievant, must not be accepted.

e. The grievance process must be the appropriate formal avenue by which to address the work-related issue.

(3) Adverse Effect. The grievance must explain how the action or issue complained about adversely affected an employment-related matter.

(4) Requested Action or Relief. The requested corrective action or relief must:

a. Be within the authority of TMD to grant;

b. Not include a sanction request against another employee, such as to be disciplined. An inclusion of such a request must be grounds for rejection of the grievance; and

c. Not include requests to resolve situations already provided for through TMD policy or procedures, such as requests for records under the Public Information Act, requests for religious or disability accommodation or an attempt to circumvent policy or procedures.

(5) Grievance Review. The Complaints Coordinator will audit the grievance documentation to verify the grievance meets the requirements of this policy.

a. If the Complaints Coordinator does not accept a grievance due to an error such as an oversight that may be corrected by the grievant or the grievant failed to identify the requested relief, and there is sufficient time remaining within the initial 21-calendar day submission period or the grievance relates to a continuing condition, the Complaints Coordinator must return the grievance and notify the grievant with the option to correct and resubmit.

b. If the Complaints Coordinator does not accept the grievance for any other reason, they must close the grievance with no further action taken and notify the department head and grievant by email that the grievance was not accepted.

c. If the grievance is returned to the grievant with the option to correct and resubmit, the grievant may resubmit the grievance in accordance with the instructions from the Complaints Coordinator. When the Complaints Coordinator receives the resubmitted grievance, the grievance will be processed as a new grievance.

d. If the Complaints Coordinator determines the grievance meets the requirements as set forth in this policy, they must submit an email to the second-level supervisor and the immediate supervisor (if appropriate) for investigation. When necessary or deemed appropriate under the circumstances, and/or based upon the advice of counsel, the state Human Resources Director will coordinate assignment of an investigator outside the employee's chain of command to conduct the investigation.

(6) Investigation.

a. As a general rule, the official investigation by the supervisor or the assigned investigator should be completed within 30 calendar days after assignment of the complaint. The employee will be informed if the investigation cannot be completed within this time period and provided weekly updates thereafter until the investigation is completed. No single investigation tool is required to be used. An investigation may, for example, be conducted in accordance with Army Regulation 15-6 investigation procedures.

b. Once the investigation has been completed, a written decision will be delivered to the employee and a copy provided to the state Human Resources Complaints Coordinator. If the investigation was conducted by an investigator outside the employee's chain of command, the investigator will present his/her findings to the decision maker.

c. After reviewing the findings, the decision maker, with the advice of counsel, may ask the investigator for recommendations. The decision maker will evaluate the findings, any recommendation(s), and the various options; and then decide the appropriate course of action based on whether the grievance was substantiated (in whole or in part) and if so, the severity of the situation.

d. The decision maker will deliver a written decision to the employee and provide a copy to the state Human Resources Director.

Note: If the resolution of the complaint was decided after review of findings by TMD's Office of the Inspector General or another assigned neutral investigator, the employee grievance procedure is complete at the conclusion of Step Two. (Actions taken following a formal investigation include a legal review and are vetted through the Director of State Administration and/or Adjutant General).

d. Step Three. Grievant's Response.

(1) Response Accepted. If the grievant accepts the response, the grievant is not required to take any further action. However, the grievant may provide written notification to the State HR Complaints Coordinator to expedite closing the grievance.

(2) If the employee is not satisfied with the Step Two decision made by a second-level supervisor/manager, he/she may seek a review of the decision within five (5) business days of receipt of the Step Two decision.

(3) The employee must send a written request to the state Human Resources Director, including a copy of his/her complaint, the Step Two decision, and a detailed and specific statement of the reason the employee remains dissatisfied.

(4) A meeting between the employee, Program/Department Director, and the state Human Resources Director will generally be held within five (5) business days after receipt of the written request.

(5) The Director or Program Manager will conduct any necessary follow-up and issue a written decision, generally within five (5) business days of the meeting. A copy of the written decision will be provided to the employee and the state Human Resources Director.

e. Step Four. Grievant's Response.

(1) Response Accepted. If the grievant accepts the response, the grievant is not required to take any further action. However, the grievant may provide written notification to the State HR Complaints Coordinator to expedite closing the grievance.

(2) If the employee is not satisfied with the Step Three decision, he/she may seek a review of the matter by submitting a written request including the complaint, Step Two and if applicable Step Three decision(s), and a detailed statement explaining why the employee is dissatisfied with the action(s) taken

at the previous Steps to the state Human Resources Director within seven (7) business days of receipt of the Step Three decision.

(4) The state Human Resources Director will ensure the request is complete and forward the request to the Director of State Administration for review.

(5) The Director of State Administration will provide the final written response, generally within fourteen (14) business days after receipt. The decision of the Director of State Administration is final and completes the internal employee grievance process.

Note: If a state employee's complaint involves the Director of State Administration, the State Human Resource Director will submit the complaint to the Adjutant General through the TMD Chief of Staff.

6.4.5. GRIEVANT ACCESS TO DOCUMENTS.

An employee grieving an adverse personnel action may include in his/her grievance a request for copies of any documents that are not in the employee's possession and were relied upon for the challenged adverse personnel action. Upon request, copies of such evidence will be provided subject to the following:

- a. TMD has the discretion to redact names from copies of documents provided to the employee upon a determination that the names are not necessary for the fair resolution of the grievance.
- b. Prior to delivery of the documentary evidence to the employee, any information which is confidential by law will be deleted or redacted.
- c. Audio or video recordings which contain confidential information (e.g., which include names or pictures of Texas ChalleNGe Academy youth) will not be released to the employee but will be made available for review.

6.4.6. GRIEVANCE REVISION OR DISMISSAL.

a. The State Human Resources Complaints Coordinator may request that an employee revise and re-file any grievance that is incomplete and/or unclear. If revision is required, the state Human Resources Complaints Coordinator will set a deadline by which the revised grievance must be filed.

b. The State Human Resources Director may, with the concurrence of the Director of State Administration, dismiss any grievance which:

- (1) is considered a non-grievable issue under this policy;
- (2) is not received by the State Human Resources Complaints Coordinator within the applicable deadline and good cause for delay has not been shown;
- (3) after the employee has been given notice and a reasonable opportunity to make required revisions, remains so unclear that the nature of the grievance or the relief requested cannot reasonably be determined;

(4) is the same or substantially the same as a pending grievance filed by the same employee; or

(5) concerns a working condition that has already been resolved through the grievance process within the preceding 12 months.

c. If the state Human Resources Director dismisses a grievance under this section, the employee will be provided written notice of the reason for the dismissal. The decision of the state Human Resources Director to dismiss a grievance is final and cannot be appealed.

6.4.7. FOLLOW-UP ON GRIEVANCE RESOLUTIONS.

a. When the granted relief indicates that certain actions will occur, the decision authority must provide the state Human Resources Complaints Coordinator with documentation that the actions did take place.

b. As a general rule, the documentation should be within 30 calendar days of the grievance decision date.

6.4.5. RETALIATION PROHIBITED.

a. TMD strictly prohibits retaliation against any person for:

- (1) filing a complaint through the employee grievance system or through an outside agency; or
- (2) participating as a witness in any complaint or complaint investigation.

b. This prohibition includes harassment, intimidation, or coercion of any person because of involvement in a grievance or complaint, whether as a party, representative, or witness.

6.4.5. SEPARATION FROM EMPLOYMENT WHEN A GRIEVANCE IS IN PROCESS.

When a grievant is voluntarily or involuntarily separated from employment, the separated employee's grievance must continue to be processed in accordance with this directive if the requested relief can be granted. If the requested relief cannot be granted because of the grievant's separation from employment, the appropriate responding authority must immediately:

a. close the grievance with no action taken; and

b. return the grievance to the State Human Resources Complaints Coordinator for final disposition.

Program Specific Policies

Revised: 09/01/2023

7.1. EMPLOYEES ASSIGNED TO FIRE PROTECTION ACTIVITIES.

To outline the exceptions for full-time, classified state employees assigned to the Aircraft Fire/Crash Rescue Branch. These fire protection activities are performed over a work period of 28 days in order to facilitate 24-hour duty shifts. Circumstances for fire protection activities not addressed in this chapter shall be in conformity with department policies and state and federal laws.

7.1.1. GENERAL.

a. Personnel are regularly scheduled to remain at or within the confines of their designated place of duty for periods of 24 hours. The normal work schedule consists of a 24-hour duty period followed by a 48 hour off duty period. This schedule is facilitated by utilizing three shifts, thereby providing continuous fire protection coverage. For scheduling purposes, employees are assigned, at the local level, to one of the three shifts. However, at the discretion of the department director, employees may be temporarily or permanently reassigned to different shifts as necessary and/or in the best interests of the department. Whenever possible an employee should be afforded reasonable notice of not less than two weeks regarding a reassignment whenever possible.

b. Every effort, within state and federal FLSA guidelines and reasonable fairness to the employee, will be afforded to prevent “scheduled overtime”. The work schedule described above will be routinely modified as follows in order to maintain an “activity hours” ratio of 212-216 hours in a 28 day “work period”. The schedule modifications, also known as Kelly Days, will provide an additional 24 hour off duty period at scheduled intervals. These schedule modifications will be used for the sole purpose of preventing “scheduled overtime” in excess of the 4 hours accrued each work period as a direct result of the 24/48 schedule and shall in no case be construed as time off due to an employee or used to reduce the “working hours” of an employee who has worked approved overtime during the course of a 28 day “work period”.

c. Affected personnel will be assigned, at the direction of the respective supervisor, a Kelly Day (additional 24 hour off duty period) during the course of every third 28 day “work period”. This work period will be identified as any 28 day “work period” which due to the normal work schedule, employees are scheduled to work 10 shifts.

d. Alternative duty schedules and precise times for each tour of duty shall be developed at the local level, by the department director, to facilitate mission requirements within the limits of state and federal FLSA.

7.1.2. SUBSTITUTION.

a. State employees assigned to the Aircraft Crash/Fire Rescue Branch may agree, solely at their own option and with approval of their respective supervisors, to substitute for one another during scheduled work hours in performance of work in the *same capacity*.

b. Employees are solely responsible for the loss of holiday and/or comp time, or where annual leave

converts to sick leave, which may result from excessive use of substitution. In no case will personnel with insufficient leave, FLSA or compensatory time balances to otherwise take off, be allowed to substitute.

c. When one employee substitutes for another, each employee will be credited as if he/she had worked his/her normal work schedule for that shift.

d. A request specifying who will substitute and when, shall be completed and approved prior to the substitutions taking place. Substitutions may be approved or disapproved, with reasonable fairness to the employees, at the supervisor's discretion. (Reference: 29 CFR Part 553 Subpart A - 553.31 Substitution)

7.1.3. EARLY RELIEF.

Employees assigned to the Aircraft Crash/Fire Rescue Branch may agree, solely at their own option and with approval of the supervisor on duty, to provide shift relief to one another, in performance of work in the same capacity, prior to the scheduled end of the duty shift. In so doing, each employee will be credited as if he/she had worked his/her normal work schedule for that shift. Early relief may be approved or disapproved, with reasonable fairness to the employees, at the supervisor's discretion. (Reference: 29 CFR Part 553 Subpart C - 553.225 early relief)

7.1.4. EMERGENCY SITUATIONS.

a. All employees assigned to fire protection activities are subject to be summoned to duty at any time in the event of an emergency situation, as determined by the department director or his/her designee. If required to report to duty, employees shall be compensated for actual "work hours".

b. All employees assigned to fire protection activities are subject to be "on call". Specific procedures for "on call" assignments will be developed at local level, by the department director, to facilitate mission requirements, within the limits of state and federal FLSA. In no case shall being on call constitute "working hours" or "activity hours". If required to report to duty, employees shall be compensated for actual "work hours".

c. Due to the necessity of employees being "on call", all employees hired after approval of this chapter shall be required to reside within a 100-mile radius and able to report promptly to Ellington JRB, Houston, Texas.

7.1.5. MONTHLY TIME REPORTING.

The following sections include definitions that will provide a brief overview of monthly time reporting requirements.

7.1.5.1. WORK PERIOD.

The normal work period is established as 28 days, 212 hours. This work period may or may not coincide with the duty cycle or pay period. The duration, beginning and ending of the work period may be changed, with approval of the state Human Resources Director, provided that the change is intended to be permanent and is not designed to evade the overtime compensation requirements of state and federal FLSA.

7.1.5.2. ACTIVITY HOURS.

“Activity Hours” are the combination of all working and leave hours for the pay period. Each 28 day pay period will have a minimum of 212 “activity hours” unless an alternative work schedule is approved by the state Human Resources Director.

7.1.5.3. OVERTIME.

Overtime may be authorized to support minimum manning requirements due to emergencies, training, vacations, sick leave, etc. or as necessary in support of the mission. In no case shall overtime be purposely scheduled in advance.

7.1.5.4. FAIR LABOR STANDARDS ACT (FLSA).

a. An employee who is required to work in excess of 212 hours in a 28-day work period is entitled to compensation for the excess hours by one of the following methods:

(1) The department allowing (or requiring) the employee to take FLSA compensatory time off at the rate of 1-1/2 hours off for each hour of overtime; or

(2) At the discretion of the department director, in cases where granting FLSA compensatory time off.

b. If impractical, the employee may receive pay for the overtime at the rate equal to 1-1/2 times the employee’s regular rate of pay.

c. Supervisors will periodically review employee’s FLSA balances to determine if granting FLSA compensatory time off is practical with respect to training, schools, annual leave, military deployments, and other pertinent factors. If granting FLSA compensatory time off is impractical, the department director may forward to TMD State HR, on a quarterly basis, a written request to pay FLSA balances. Requests must include employees’ names, titles, number of FLSA hours requested for payment, and copies of monthly time reports for the work periods during which the FLSA was earned. FLSA disbursements, once approved by NGTX-RMH, will be made as soon as practicable, considering funding availability and regular payroll disbursements.

d. Hours accredited towards FLSA must be actual “working hours” and cannot include any other type of “activity hours”. Any paid leave or holidays taken are not counted as hours worked in determining overtime hours.

e. Each employee engaged in fire protection activities may not accumulate more than 480 hours of FLSA, pursuant to 29 U.S.C. Sec. 207(o)(3)(A). Employees must be paid for overtime worked in excess of the limits on accumulation, at the rate equal to 1-1/2 times the employee’s regular rate of pay.

7.1.5.5. COMPENSATORY TIME.

a. State compensatory time is equal to one hour for each “activity hour” in excess of 212 hours in a 28-day work period. State compensatory time must be taken during the 12- month period following the end of the work period which it was earned. State Compensatory time may not be carried forward past the end

of the 12-month period. Supervisors will periodically review employee's state compensatory time balances to determine if granting compensatory time off is practical with respect to mission critical functions.

b. In situations where the employee has not "worked" more than 212 hours in a 28-day work period but the total of "activity hours" exceed 212 hours, the employee shall be allowed equivalent state compensatory time off for the excess hours.

c. In situations where the employee has "worked" more than 212 hours in a 28-day work period and the total of "activity hours" exceed 212 hours, after subtracting FLSA overtime hours worked, the employee shall be allowed equivalent state compensatory time off for such excess hours.

d. Employees must use the CAPPS timesheet to record time and leave activity:

(1) The employee and supervisor will work with the state Leave Accountant to ensure the appropriate regular work schedule is set up for the employee in CAPPS. Schedule changes should occur at the beginning of the 28-day work period, if possible.

(2) Employees will enter time worked AND leave taken on the CAPPS timesheet as it occurs. An employee will enter the exact number of hours he/she worked and took off. Supervisors will review and take the appropriate action on the CAPPS timesheet at least weekly.

(3) State Human Resources will coordinate with the State Payroll Office to compute FLSA time and state compensatory time. The manager will verify leave balances and employees will have access to leave balances in CAPPS.

7.1.5.6. HOLIDAYS.

At the first of the state fiscal year, the state Human Resources will issue a holiday schedule for that year. Each employee will accrue 8 hours of holiday compensatory time for each scheduled holiday. An employee, who would otherwise be scheduled to work, takes off on a holiday, will be charged 8 hours of holiday time prior to being charged leave from any other balances.

7.1.6. PERFORMANCE APPRAISAL SCHEDULE.

a. Employees assigned to fire protection activities will serve a probationary period for the first twelve continuous months of their employment. Regular status of a probationary employee will begin the first day following satisfactory completion of the probationary period.

b. Employees assigned to fire protection activities shall have their first probationary evaluation at 12 months.

c. Periodic informal reviews may be made by the supervisors to assist employees with respect to their performance shall have their corrective actions should be documented and taken in shorter intervals if a problem arises.

d. Probationary employees may be terminated at any time during the probationary period. An employee released from employment during the probationary period will not have the right of appeal, except in cases where the employee claims he or she was terminated for an illegal reason.

7.2. EMPLOYEES ASSIGNED TO SECURITY OFFICER ACTIVITIES.

Revised: 9/1/2023

7.2.1. MEDICAL SCREENING AND DRUG TESTING.

a. Employees must meet annual medical screening and drug testing requirements as a condition of their employment in accordance with the Master Cooperative Agreement, Security Cooperative Agreement Appendices 3 & 23, section 2308 (a), item 3 and Army Regulation (AR) 190-56

b. Employees must comply with the Adjutant General's Policy on Medical Screening & Drug Testing. This policy is posted at <https://tmd.texas.gov/texas-military-department-policies-and-regulations>

7.2.2. PHYSICAL AGILITY TESTING (PAT).

a. TMD requires that all security officers successfully complete an initial, and thereafter, annual Physical Agility Test (PAT) as a condition of their employment in accordance with the Master Cooperative Agreement, Security Cooperative Agreement Appendices 3 & 23, section 2308 (a), item 3.

b. Employees must comply with the Adjutant General's Policy on Physical Agility Testing. This policy is posted at <https://tmd.texas.gov/texas-military-department-policies-and-regulations>.

7.2.3. APPOINTMENT OF LICENSED ARMED SECURITY OFFICERS.

a. Security officers employed by the Texas Military Department will not carry a weapon while performing their duties on premises under the control of the Adjutant General, until granted written authority to be armed. Examples of weapons are handguns, shotguns, rifles, mace, knife, nightstick, or clubs. (References: Section 437.053(8), Texas Government Code, empowers the Adjutant General of Texas to employ and arm persons Security Officers licensed under Title 10, Occupations Code.

7.2.3.1. APPOINTMENT PROCEDURES.

The following criteria must be met prior to being given the authority to be armed.

a. The security officer must be employed by the Texas Military Department and must be properly licensed.

b. Upon receipt of the appropriate license, the unit of assignment must request written authority to arm.

c. TMD will provide a memorandum stating that the security officer is appointed as a Security Officer for the Department and will list specific weapon(s) the individual is authorized to carry.

d. No personal weapons will be carried by Armed Security Officers of the Department, unless authorized in writing.

State Employee Telework Program

Revised: 09/01/2023

8.1. TELEWORK PURPOSE.

The Texas Military Department (TMD) is a highly collaborative workplace with a mission that values face-to-face interactions. To stay market competitive, enhance employee recruitment and retention, and increase environmental sustainability, TMD conducted a feasibility study and determined the viability of offering telework opportunities to State employees.

8.2. APPLICABILITY AND SCOPE.

- a. TMD State Employees in good standing and whose job duties and responsibilities are generally suitable for telework arrangements are eligible to participate.
- b. Telework may be appropriate for some positions and not for others, and during some operationally feasible periods of the year and not others. Telework is not an entitlement for any employee.
- c. A telework arrangement is not a contract of employment, and it in no way changes the terms and conditions of employment with TMD, or the nature of the at-will employment relationship with TMD.
- d. An employee who is teleworking remains obligated to comply with all TMD rules, standards, policies, practices, and instructions that would apply if the employee were working at an onsite work location.

8.3. POLICY.

- a. Generally, within TMD, work performed onsite is preferred due to the nature of our mission and the extent of required collaboration. However, at times a formal telework arrangement may create advantages for both TMD and its employees. Therefore, TMD will offer flexibility for eligible employees to telework without compromising their work performance, productivity, or the collaborative nature of our mission.
- b. Telework arrangements are voluntary and for the convenience of the employee. The approval and management of the telework program will continue to be solely and exclusively the responsibility and prerogatives of the Director of State Administration (DOSA) with concurrence of the Adjutant General (TAG). Such responsibility and prerogative shall not be exercised arbitrarily or unfairly as to any State employee.
- c. Any telework agreement is at the discretion of the employee's supervisor and must be approved by the appropriate Director (or their designee) and by the Office of State Administration Human Resources office (OSA HR).
- d. Employees approved for telework will fulfill their job responsibilities at a site other than their onsite work location during a portion of their regularly scheduled work hours for a fixed period of time.

8.3.1 TYPES OF TELEWORK.

a. Regular Telework: an approved work schedule where eligible employees regularly work at least one day per week at an alternate work location.

b. Situational Telework. Telework that occurs on an occasional non-routine or ad-hoc basis. Situational telework is intended to complete short-term special assignments or to accommodate special circumstances for a specified time period. Special circumstances may include, for example, telework during emergency dismissals and/or office closures, and must be designated in writing.

8.3.2. FREQUENCY OF TELEWORK.

a. Employees who work a five (5) day schedule may not exceed three (3) days of telework per week.

b. Employees who work a compressed four (4) day schedule may not exceed two (2) days of telework per week.

c. For good cause, and with Director concurrence, the Director of State Administration is the approval authority to exceed the number of telework days per week as authorized above.

d. The Adjutant General (TAG) is the approval authority for full-time telework.

8.3.3. TELEWORK LOCATION OPTIONS.

a. Home Based. An employee performs his/her official duties from a specified work or office area in his/her personal residence that is suitable for the performance of official State business.

b. Alternate Worksite. An employee performs his/her official duties from another TMD facility or Agency approved work site.

c. Employees may work part of the day at their approved alternative worksite and part of the day at the traditional worksite to accommodate work schedules and personal commitments (for example, to attend a training course or a medical appointment located near the employee's alternative worksite prior to reporting to the traditional worksite).

8.3.4. TELEWORK AND DEPENDENT OR FAMILY CARE.

a. Telework is not designed to be a replacement for appropriate childcare, the care of dependents, or the care of other family members such as elderly parents or disabled family members. Although an individual employee's schedule may be modified to accommodate the need to care for a child or other family members, the focus of the telework arrangement must remain on job performance and meeting business demands.

b. Employees may telework while dependents or family members are present if:

(1) The dependents or family members, such as children in grades Kindergarten and above, do not require care inconsistent with uninterrupted performance of work during duty hours; or

(2) The time devoted to dependent care is by the employee's determination properly excluded from

duty hours and the employee on the same day works additional time to account for a full day of duty. This additional time shall not be eligible for any special pay, night differential, overtime pay or compensatory time.

8.3.5. JOB DUTIES.

a. TMD expects all teleworking employees to be available during the regular administrative hours. Presence may be maintained by using appropriate technology including but not limited to a phone, computer, email, messaging application, video conferencing, instant messaging, and/or text messaging.

b. Employees must be available for staff meetings and other meetings deemed necessary by management. Teleworking employees may be required to be physically present onsite for staff and other in-person meetings or events even if they occur on a day that they normally telework.

8.3.6. PERFORMANCE MANAGEMENT.

Teleworkers and non-teleworkers will be treated the same for the purposes for work requirements, periodic appraisals of job performance, training, rewards, assignments, promotions, merit actions, disciplinary actions, and other acts requiring management discretion. Performance standards for members who telework will be the same as for those working at the regular worksite.

8.3.7. PROBLEMS AFFECTING WORK PERFORMANCE.

a. Employees must promptly advise their supervisors when problems arise at the alternative worksite that adversely affect the employee's ability to perform work.

b. Examples could include power outages or telecommunication difficulties. In such cases, TMD may:

(1) Require the employee to take leave if unable to perform work under the adverse circumstances;

or

(2) Require the employee to report to the regular worksite.

8.3.8. COMPENSATION, WORK HOURS, AND TIME WORKED.

a. An employee's compensation, benefits, work status, and work responsibilities will not change due to telework. Work hours will also remain the same unless changes are agreed to as part of the arrangement.

b. All vacation and other time-off benefits (including leaves of absence) must be scheduled, approved, and recorded in accordance with TMD's time-off policies and practices.

c. Earning compensatory time or overtime requires prior supervisor approval and is not to be authorized simply for employee convenience.

8.3.9. CONFIDENTIALITY.

a. The same standards for maintaining confidentiality that apply to employees working onsite apply equally to employees who are teleworking. Teleworkers must ensure the protection of proprietary agency

and customer information accessible from their home office.

b. Steps include, but are not limited to, use of locked file cabinets and desks; regular password maintenance; and any other steps appropriate for the job and the environment. Teleworking employees must ensure any hardcopy documents that are not retained are destroyed to ensure they are not viewed by family members or people outside the agency. Confidential shredding is acceptable.

8.3.10. WORKSPACE, EQUIPMENT, AND SAFETY.

a. Teleworking employees must maintain a safe and secure work environment at their own cost. Employees must ensure that they have a designated workspace and should discuss any request for items needed to facilitate the working relationship with their supervisor. TMD will not provide office furniture to facilitate the telework arrangement. Employees must maintain access to networking and/or internet capabilities at the telework location. The use of equipment provided by TMD is limited to authorized persons and for purposes relating to TMD business.

b. Employees, with their supervisor, are responsible for self-certifying that their home workspace complies with identified health and safety requirements as specified in TMD Form 22-002, Telework Checklist, dated 1 November 2021 (enclosure 2).

c. If an employee incurs a work-related injury performing telework activities in the workspace designated in TMD Form 22-003, Telework Agreement, dated 1 November 2021 (enclosure 3), worker's compensation laws and rules apply just as they would if such an injury occurred in the traditional office environment. Employees must notify their supervisors immediately and complete all necessary documentation regarding the injury.

d. TMD and OSA Acceptable Use Policies (AUP) (enclosures 4 and 5) outline requirements for hardware, software and data protection; password use/protection; and remote access. The guidelines for maintaining and protecting agency equipment are the same regardless of whether an employee is in the office or teleworking.

e. Employees must protect TMD-owned equipment, records, and materials from unauthorized or accidental access, use, modification, destruction, or disclosure. All equipment, records, and materials provided by TMD are and shall remain the property of TMD regardless of whether the records and materials were prepared during telework. Employees must report to their supervisor any incidents of loss, damage, or unauthorized access at the earliest reasonable opportunity and cooperate with reporting such incidents to law enforcement officials and/or insurance providers, as necessary.

f. No classified information will be generated or processed during telework. Classified documents (hard copy or electronic) will be taken to or accessed at telework locations.

g. No contractor proprietary information may be taken by teleworkers to alternative worksites without the prior consent of the contractor.

h. Office supplies (other than furniture) will be provided by TMD, as needed.

i. TMD will not reimburse the employee for the cost in whole, or part, of internet service, electricity, personal phone (home or cell) or other utility costs incurred while teleworking. Any other reimbursable

expenses must be approved in advance by the employee's manager. TMD is not liable for unapproved expenses. In general, TMD will not reimburse for printing costs. Employees will use secure printing to a TMD facility as needed.

j. Equipment, records, and materials provided by TMD, and any related work products must be returned to TMD damage-free immediately upon the termination of the telework arrangement, or at any time if requested by TMD.

8.3.11. EMERGENCY/INCLEMENT WEATHER TELEWORK.

a. It may be necessary for TMD to cease, limit, or otherwise alter its operations onsite for a period of time due to an emergency circumstance. In such circumstances, TMD will communicate with employees with regard to telework and may, in its sole discretion, forgo documenting such arrangements. Emergency telework generally will not impact previously approved telework status.

b. TMD will announce closings, delayed openings, or modification of operations due to inclement weather. In these instances, teleworking employees will continue to telework, while employees that typically work on-campus will discuss arrangements with their supervisors to telework, if possible. If telework is not possible, emergency leave may be granted.

c. During emergency situations, employees may be permitted to telework even if they have a young child or other person who requires the presence of a caregiver in the home. During the emergency, the time devoted to dependent care is by the employee's determination properly excluded from duty hours and the employee on the same day works additional time comprising a full day of duty, which additional time shall not be eligible for any special pay, night differential, overtime pay or compensatory time.

d. Implementation of emergency telework does not indicate TMD's approval of telework for any employee on an ongoing basis. When TMD deems the emergency circumstances to have passed employees will be notified that the emergency telework arrangements will terminate.

8.3.12. TELEWORK AS A REASONABLE ACCOMODATION.

For requests to telework as a reasonable accommodation under the Americans with Disabilities Act (ADA), refer to Chapter 2 of this Manual.

8.3.13. ADHERENCE TO AGENCY POLICIES AND PROCEDURES.

a. All applicable agency, department and section policies and procedures remain in effect, regardless of where or when work is performed, including attendance and time and leave policies.

b. Teleworkers should be particularly mindful that the same standards apply to all employees concerning their availability, responsiveness, productivity, and protection of agency equipment, systems, and information.

8.4. EMPLOYEE ELIGIBILITY.

a. Current TMD State employees in good standing requesting a formal telework arrangement should be

employed by TMD for a minimum of 6 months of continuous, regular employment. A telework arrangement during the first six months of employment is not generally permitted due to the need to train the employee, clarify job responsibilities, establish relationships, and assess suitability for continued employment.

b. Employees who have been officially counseled and are on a Corrective Action Plan (CAP) are ineligible for telework until subsequent re-evaluation after satisfactory completion of the CAP.

c. Before considering a request for a telework arrangement, the supervisor and department management, with the assistance of OSA HR if requested, will evaluate the employee's performance and the feasibility of such an arrangement.

d. The supervisor and department management will assess the needs of their department and collaborating departments, employee work habits, employee attitude, and overall employee performance to ensure the department or section can meet operational needs with telework in place. This assessment must include, but is not limited to, ensuring:

(1) Employee has completed at least six months of service with TMD;

(2) Employee has a clear understanding of the position and expectations;

(3) Employee has met or exceeded expectations in his or her position (as indicated in their last performance evaluation), and has demonstrated ability to work independently;

(4) Employee must meet required punctuality and attendance standards, and not require close supervision;

(5) Employee works in a department that determines telework is an option and must also work in a position that is telework eligible;

(6) Eligible employees must have a phone number at which they can be reached while teleworking. Employees must leave an extended absence voice mail message (if the employee has voice mail capability) stating they are teleworking (and for what period) and provide the phone number where they can be reached during the workday unless their office landline is forwarded (forwarding requires a local phone number). This requirement may also be satisfied if the employee's desk phone voicemail messages are sent to the employee's TMD email;

(7) Employee should demonstrate consistent ability to complete tasks and assignments timely and accurately; and

(8) Employee's communication and collaboration skills should be excellent.

d. When evaluating whether the duties of a particular position may be performed during telework, the supervisor should consider the following:

(1) Nature of the work and responsibilities to be performed are conducive to a telework location without causing disruption to performance or service;

(2) The needs of the department to advance its core mission and the needs of the department to fulfill its role in that mission: including frequency of meetings, department goals and projects, and space constraints;

(3) Other collaborating departments' needs and schedules;

(4) Whether or not daily face-to-face in-person interaction is required of the position including onsite appointments or meetings with customers or colleagues. Generally, positions with significant face-to-face in-person interactions or that require regular access to onsite confidential documents may not be suitable for telework;

(5) The job does not require onsite employee supervision; and

(6) An excellent level of service can be maintained without hardship on collaborating with departments, customers, external agencies, and co-workers.

8.5. POSITION ELIGIBILITY.

a. Some positions will not be eligible for telework due to the nature of work or business needs. Department leadership has discretion to determine position and/or employee availability for telework based on impact on operations.

b. A position's suitability does not guarantee that an employee will be approved for telework; it is only one of the factors the agency may consider when deciding whether to approve a telework request.

c. Positions that may be suitable for telework may include the following characteristics:

(1) Positions where the majority of the work involves the electronic transmission of information or documents, when there is no unacceptable risk of exposure of confidential information;

(2) Positions requiring minimal supervision;

(3) Positions with measurable outcomes (e.g., analysis, auditing, computer-related work, contracts, reading/reviewing, research/planning and writing/editing);

(4) Positions requiring limited face-to-face contact with customers or in-house personnel; and/or

(5) Positions that do not require onsite work.

d. Positions that may NOT be suitable for telework may include the following characteristics:

(1) Positions that routinely require most tasks or activities to be performed onsite;

(2) Positions, generally, that are location-specific, such as a "receptionist" or "maintenance specialist" are not suitable for telework because the essential functions of the job;

(3) Positions with job duties that require access to specific personnel, onsite files, or specialized space/equipment/technology in order to effectively perform the job;

(4) Positions with job duties that require participation in onsite meetings or presentations;

(5) Employee's telework negatively impacts team performance; and/or

(6) Telework that adds cost to TMD (i.e., a telework arrangement would require the purchase of duplicate equipment). TMD will not incur expense (such as internet or Wi-Fi connectivity, printers, computers, scanners, etc.) due to telework approval. Employees must ensure they have appropriate internet connectivity prior to requesting telework approval.

8.6. APPLYING FOR AND APPROVAL OF TELEWORK.

a. To be considered for a telework arrangement, the employee must apply for approval via *TMD OSA HR Form 8-01, Telework Agreement*, the Supervisor must complete *TMD OSA HR Form 8-02, Telework Eligibility Checklist*, and the employee and supervisor together, must complete *TMD OSA HR Form 8-03, Telework Safety Checklist*, and all required acknowledgments within the application (see Appendix 1 for forms).

b. Supervisors are responsible for providing a recommendation for approval or disapproval and Directors are responsible for review and department-level approval or disapproval of all telework requests. Director approved requests must be submitted to OSA HR for review and final approval. Supervisors and Directors must assess all requests for telework arrangements with fairness across similarly situated staff members and in a lawful and equitable manner.

c. All required forms and related information are available in Appendix 1 of this manual.

8.7. TELEWORK TERM, REVIEW AND TERMINATION.

a. An employee's request for a telework arrangement, including continuation or alteration of an arrangement, shall be granted to the extent the requested arrangement complies with the provisions of this policy.

b. Telework arrangements may be approved for up to one year and should be reviewed annually (at minimum) for determination of renewal or termination.

c. Notwithstanding the annual review, TMD in its sole discretion may review the telework arrangement more frequently as needed to ensure that employee's work quality, efficiency, and productivity meet expectations, and that the operational needs and obligations of the department have been met.

d. Either the employee or TMD may end a telework arrangement:

(1) An employee may terminate a telework arrangement upon written notice to their supervisor.

(2) In the event that TMD determines that the telework arrangement is not in the best interests of TMD for any reason, including but not limited to the employee's performance and productivity, TMD may terminate the arrangement. TMD will strive to provide a minimum of two weeks' written notice of such termination of the arrangement, if feasible, but is not required to do so if the circumstances warrant a shorter notice period.

8.8. MODIFICATIONS TO TELEWORK ARRANGEMENT.

Any changes to an existing telework arrangement must be approved in writing by the employee's supervisor, including changes to the days an employee teleworks or the telework location. Long-term or substantive modifications must be documented by entering into a new Telework Arrangement that will be forwarded to OSA HR.

8.9. EMPLOYMENT AT WILL CLAUSE.

Participation in telework does not constitute an employment contract or a guarantee of continued employment. TMD reserves the right to change the provisions of this policy at any time. Nothing in this policy limits the agency's authority to establish or revise human resources policy. This policy guides the operations of TMD and does not create a legally enforceable interest for employees or limit the agency's authority to terminate an employee at will.

State Service and Retirement Awards

New: 09/01/2022

9.1. GENERAL.

TMD values the contributions, knowledge and experience of long-term employees. In appreciation of this dedicated service, TMD recognizes employees as they reach milestone anniversaries of employment and retirement. Awards amounts may not exceed \$100.00. Awards provided by TMD are at the discretion of the Adjutant General and the Director of State Administration.

9.2. YEARS OF SERVICE AWARDS.

9.2.1. ELIGIBILITY.

Full-time active employees become eligible for a service award in the year in which they reach a milestone number of years of service with TMD or retire from TMD.

9.2.2. MILESTONE YEARS.

5 Years
10 years
15 years
20 years
25 years
30 years

9.2.3. YEARS OF SERVICE RECOGNITION ITEMS.

Employees will receive:

- 1) Length of service certificate signed by the Adjutant General and Director of State Administration;
and
- 2) Individual award for each milestone reached.

9.2.3. YEARS OF SERVICE AWARDS PROCEDURES.

a. Each quarter, TMD OSA HR:

- (1) compiles a list of TMD employees who have reached a milestone service anniversary;
- (2) prepares the appropriate length of service certificates and routes for signatures;
- (3) packages the completed certificate and respective award; and
- (4) distributes the package(s) to supervisors or specified department points of contact.

- b. Supervisors should make an appropriate presentation of the items to the employee.

9.3. RETIREMENT AWARDS.

9.3.1. ELIGIBILITY.

Employees must coordinate retirement effective date directly with the Employee Retirement System (ERS). TMD OSA HR cannot determine this date.

9.3.2. YEARS OF SERVICE RECOGNITION ITEMS.

Upon retirement from TMD, employees will receive:

- (1) TMD retirement certificate signed by the Adjutant General and Director of State Administration.
- (2) State of Texas Flag (flown over the Capitol in honor of the employee's retirement);
- (3) State of Texas House of Representatives Texas flag certificate;
- (4) Congratulatory certificate from the Governor of Texas; and
- (5) Engraved crystal vase or decanter.

9.3.3. RETIREMENT AWARDS PROCEDURES.

a. The retiring employee must notify their supervisor of their intent to retire and provide the effective date in writing.

b. The supervisor must notify TMD OSA HR as soon as possible; at least 2 weeks prior notification is required to allow sufficient time to have the retirement award engraved.

c. TMD OSA HR:

- (1) prepares the appropriate length of service certificates and routes for signatures;
- (2) orders the State of Texas Flag and Governors certificate;
- (3) orders engraving for the retirement award;
- (4) packages the completed certificates and respective awards; and
- (5) distributes the package(s) to supervisors or specified department points of contact.

d. Supervisors should make an appropriate presentation of the items to the employee.

e. Requests that are not received in time to complete ordering and engraving prior to the employees last workday will result in the award package being mailed to the employee's home address (unless the supervisor makes direct coordination with the retiring employee and TMD OSA HR to receive the items and personally present them).

Other Employee Benefits

Revised: 09/01/2023

10.1. EMPLOYEE ASSISTANCE PROGRAM (EAP)

An employee assistance program (EAP) is a discretionary program that TMD offers employees to help with personal concerns that may adversely affect job performance. State employees may contact State Human Resources for information regarding EAP benefits.

10.2. INSURANCE COVERAGE.

a. The State of Texas provides a comprehensive benefits program for employees in state agencies and institutions of higher education through a group benefits program administered by the Employees Retirement System (ERS). In addition to health insurance, state employees have access to other types of insurance such as dental, vision, term life, optional term life, dependent term life, short- and long-term disability, accidental death and dismemberment, and flexible health and dependent care reimbursement accounts.

b. State employees who have other health insurance comparable to what the state provides may drop the Texas Employees Group Benefits Program health insurance and elect to waive a Health Insurance Opt-Out Credit. Full-time employees may receive up to a \$60 credit per month and part-time employees may receive up to a \$30 credit to be used towards the cost of certain optional coverage. The TRICARE Military Health System supplemental plan is available to an employee or annuitant who waives coverage under the Texas Employees Group Benefits Program and is eligible for benefits under the TRICARE Military Health System.

c. Detailed information on state insurance programs is available through State Human Resources and the ERS Web site at <http://www.ers.state.tx.us>.

d. The Texas Employees Group Benefits Program is intended to provide health, life, and accident insurance benefits to all employees of the state and their eligible dependents. Except for the conditions discussed in the Texas Insurance Code, no employee of a state agency or institution of may be denied coverage unless the employee waives this coverage. There are currently two types of medical plans in the Texas Employees Group Benefits Program: Health Select and health maintenance organizations (HMOs). When employees enroll in either of these plans, they automatically receive a basic group term life insurance policy paid for by the state.

e. A new employee's eligibility for health insurance benefits begins not later than the 60th day after the date of employment or the employee is qualified for and begins to hold appointed office.

f. Employees who elect to enroll eligible dependents into the Group Benefits Program must: (1) adhere to dependent audit requirements, including submitting required documentation within a specified timeframe (failure to do so will result in dependent's being dropped from health coverage); and (2) certify their status, as well as the status of any dependents enrolled in the state health plan, as tobacco users or non-users.

g. Upon termination of employment with the state, insurance coverage will remain in effect until the

first day of the month following termination. An employee has 60 days from the termination to convert to an individual policy under the COBRA program. COBRA is a federal law (Public Law 99-272) that requires the State of Texas to offer employees and dependents covered under the Uniform Group Insurance Program (UGIP) the opportunity to temporarily extend their health and dental coverage at the group rates. Continuation coverage is available only when qualifying events cause coverage under the UGIP to end. Coverage under COBRA is limited to the health and dental coverage in effect at the time of the qualifying event. It is the employee's responsibility to notify the ERS of his or her intent to continue the medical insurance program.

10.3. WORKERS' COMPENSATION BENEFITS OTHER THAN LEAVE.

a. Workers' Compensation is a state-administered insurance program through the State Office of Risk Management (SORM) that pays state employee medical bills and may replace a portion of lost wages if an employee is injured at work or has a work-related illness that arises out of the course and scope of employment. SORM investigates each Workers' Compensation claim and determines whether it is compensable. If a Workers' Compensation claim is denied, the employee is responsible for medical costs. Employees are covered under Workers' Compensation unless they choose to opt out by notifying the Texas Military Department in writing within the first five (5) days of employment. By electing to opt out, the employee retains his or her common law right of action. If an employee elects to retain his or her common law right of action, he or she cannot obtain Workers' Compensation income or medical benefits from SORM if they are injured, but must pursue compensation and medical cost reimbursement through the courts.

b. Types of Benefits. Workers' Compensation may provide four (4) types of benefits: medical benefits, income benefits, death benefits, and burial benefits.

- Medical benefits: pay for the medical care necessary to treat a work-related injury or illness;
- Income benefits: replace a portion of any wages lost because of a work-related injury or illness;
- Death benefits: replace a portion of lost family income for eligible family members of workers killed on the job; and
- Burial benefits: pay some of the deceased worker's funeral expenses.

c. Employee Responsibilities. An injured employee has legal responsibilities he or she must meet to establish a claim for compensation. Failure to do so may result in the employee being held responsible for payment of medical bills. These responsibilities include:

(1) Notifying the employer within 30 days. The injured employee must notify supervisory or management personnel and the TMD Workers' Compensation coordinator in State Human Resources, about an on-the-job injury not later than the 30th day after the injury occurs, or if the injury is an occupational disease, not later than the 30th day after the employee knew or should have known that the disease might be related to the employment.

(2) Filing a claim within one (1) year. The injured employee must file with the Texas Department of Insurance, Division of Workers' Compensation (DWC), a claim for compensation, not later than one (1) year after the date of the injury, or if an occupational disease, not later than one (1) year after the employee knew or should have known that the disease was related to the employment.

(3) Providing a written statement for work-related exposure to communicable diseases.

- HIV - For the purposes of qualifying for workers compensation benefits, the law requires that an employee who claims a possible work-related exposure to HIV infection must provide a written statement of the date and circumstances of the exposure. The employee must document that within 10 days after the date of the exposure, he or she was tested for HIV.
- Communicable diseases - For purposes of qualifying for Workers' Compensation benefits, if the employee is an emergency responder, he or she must provide the employer with a sworn affidavit of the date and circumstances of the exposure. The employee must also document that within 10 days after the date of the exposure, he or she was tested for the communicable disease.

(4) Seeking Medical Treatment. If an employee is injured on the job and lives in the service area, the Health Care Network (HCN) must be used for medical treatment. Other than in emergency situations, employees must be treated by doctors who are part of the HCN. If an injured employee seeks medical treatment from a doctor who is not a part of the HCN without prior approval from SORM, the employee may be responsible for payment. For help locating the service area and finding doctors in the HCN, contact the Workers' Compensation Coordinator in State Human Resources.

10.4. RETURN TO WORK FOLLOWING SERIOUS ILLNESS OR INJURY.

a. It is the policy of the TMD provide a return-to-work program as the means to return employees to meaningful, productive employment following injury or illness. In order to provide the highest level of quality service to the citizens of Texas, it is necessary for every employee of the Texas Military Department to be available for work, ready, and capable of performing the duties and responsibilities for which the employee was hired.

b. The return-to-work program provides opportunities for any employee of this department who sustains either a compensable injury during the course and scope of employment, a disability as defined by the Americans with Disabilities Act, and/or a serious health condition as defined by the Family Medical Leave Act to return to work at full duty. If the employee is not physically capable of returning to full duty, the return-to-work program provides opportunities when available for the employee to perform a temporary assignment in which the employee's regular position is modified to accommodate the employee's physical capacities, or to perform an alternate duty position.

c. This return-to-work program is not to be construed as recognition by this department, its management or its employees that any employee who participates in the program has a disability as defined by the Americans with Disabilities Act of 1990. If an employee sustains an injury or illness that results in a disability under the ADA, it is the employee's responsibility to inform his or her supervisor or a person in a responsible management position when a disability under the ADA exists and that a reasonable accommodation is necessary to perform the essential functions of his or her job.

d. All employees, divisions, and facilities of the Texas Military Department are expected to support and fully comply with this policy and the return-to-work procedures provided in the attached appendix to implement this policy.

10.5. TEXFLEX BENEFITS PLANS.

A TexFlexSM flexible spending account (FSA) allows employees to set aside money from each paycheck, pre-tax, to use for eligible out-of-pocket expenses. The employee can contribute to a health care and/or day care account. Employees may choose to participate at the time of hire, or during open enrollment periods.

10.6. RETIREMENT BENEFITS.

a. The state's retirement plan is a defined benefit plan and offers defined contribution retirement plans to employees. TMD state employees are covered under a defined benefit plan (or traditional pension plan) through the ERS. Employees also have the opportunity to contribute to deferred compensation plans such as 401(k) or 457 accounts. These accounts can supplement the current state retirement plan and offer employees the option of choosing how they will invest their money.

b. The Legislature establishes the state and employee retirement contribution rates biennially for various retirement systems and funds; these rates are set in the General Appropriations Act. An employee's portion of the retirement contribution is deducted each month from the employee's pay and deposited into an employee savings account. The State deposits its portion of the retirement contribution into a state accumulation account. The employing agency is responsible for deducting the amount of the employee's contribution from the employee's pay. The deduction process requires no employee consent because the employee consents to the automatic deduction when he or she becomes a member of the ERS program.

10.7. DEFERRED COMPENSATION.

a. In addition to a state employee's established ERS pension plan, an employee has the opportunity to save a portion of his or her income by making traditional pre-tax or Roth after-tax contributions to a deferred compensation plan.

b. Under the TexaSaver Program, state agency employees can enroll in two types of deferred compensation plans available: a 401(k) and a 457. The deferred compensation plans also have "catch-up" provisions that allow employees who meet the eligibility requirements to make up for lost time.

c. 401(k) Plan Automatic Enrollment:

10.7.1. 401(k) Plan Automatic Enrollment.

a. An employee who begins state employment on or after January 1, 2008, automatically participates in a 401(k) plan unless the employee elects not to participate in the plan. The contribution is made by automatic payroll deduction and represents one (1) percent of an employee's pay. Unless otherwise directed by the employee, this contribution is placed in a default investment product selected by the board of trustees for ERS. An employee participating in a 401(k) plan under this legislation may elect to end participation in the 401(k) plan, to contribute to a different investment product, or to contribute a different amount to the plan. Employees are provided the opportunity to make this election as part of the new employee orientation process.

b. Additional information about TexaSaver and 401(k) and 457 plans is available on the ERS web site.

10.8. SERVICE CREDIT.

a. Service credit toward an employee's eligibility for retirement may be established in other ways. If eligible, these may be:

- Vacation and sick leave
- The transfer of service credit
- Purchase of withdrawn service
- Purchase of unestablished service
- Purchase of waiting period service
- Purchase of military service
- Purchase of additional service

b. Additional information regarding the use of vacation and sick leave, transfer of service credit, and the purchase of service credit and payment options is available on the ERS Web site at <http://www.ers.state.tx.us/>.

10.9. HEALTH AND WELLNESS PROGRAM.

a. TMD aims to create a worksite that encourages healthy lifestyles. The Wellness Program is a voluntary program of formal and informal activities designed to result in an increase in the health, fitness, and productivity of TMD employees. This proactive program is geared toward prevention and behavior change and is administered in accordance with applicable federal and state laws, including confidentiality requirements and anti-discrimination provisions.

b. Applicability. The program applies to all TMD state employees.

c. Employees who intend to participate in a Wellness Program activity involving physical exertion or exercise are encouraged to consult with a physician before beginning any type of physical activity. In the event the department should grant an incentive or reward to groups or individuals for participation in any Wellness Program activity, the department will make reasonable accommodations for individuals who require them in order to allow them to participate.

d. Physical Fitness Program. In accordance with the TMD On-Duty Physical Fitness Training Policy (TMD P17-03), state employees may be granted three (3) hours per week to exercise during normal working hours. A copy of this policy is posted at <https://tmd.texas.gov/texas-military-department-policies-and-regulations>. Employees are not required to make up this time or use leave.

- Exercise time may not exceed one (1) hour per day;
- Exercise time is not cumulative and may not be carried forward or saved for use the next week;
- Exercise time may be used at any time during the work day, or combined with breaks/lunch to give the employee more time for wellness activities; and
- In addition to the exercise time, employees may attend on-site wellness seminars/activities when offered.

e. Employees must seek approval from their supervisor prior to using the time for exercise. Supervisors are encouraged to grant an employee this time each week as workload and coverage responsibilities permit. Supervisors must ensure that mission requirements and day-to-day workload commitments are met, regardless of previous arrangements. Participation in the program is a privilege that may be suspended if abused. A supervisor may also temporarily suspend participation when necessary to meet workload demands.

f. Wellness Committee & Coordinator. The Wellness Committee is a team of employees who formally meet and plan activities to promote good health for themselves and for their fellow workers. The TMD Wellness Coordinator is the Chair of the Wellness Committee and is responsible for planning, coordinating and implementing the Wellness Program. The TMD Wellness Coordinator serves as the wellness liaison between TMD and the Statewide Wellness Coordinator at the Department of State Health Services. Each program or directorate may designate at least one voluntary committee team member to help ensure equitable wellness opportunities across the department.

g. Program Content Guidelines. The Wellness Program may consist of, but is not limited to, activities that raise awareness and promote healthy lifestyle changes. Examples include coordinating walking/running groups, promoting exercise or fitness classes/groups, and offering exercise facilities and equipment (showers, locker rooms, on-site gyms). The Wellness Program should raise awareness or interest in health through health education. Resources and information may be distributed to all employees intended to increase knowledge and encourage employees to adopt healthy behaviors. Examples include health promotion literature, newsletters, on-site wellness seminars, education sessions such as lunch-n-learns, classes or webinars etc.

h. Wellness activities may be scheduled before, during, between, or after normal working hours as deemed appropriate in coordination with the Wellness Committee and authorized by the Executive Director. Scheduling will be done in a manner to avoid interference with the normal work of the department or with public access to services and facilities of the department.

i. Wellness Leave. Pursuant to Texas Government Code 664.061(3), TMD may award eight (8) hours of additional leave time each 12 month period to employees who receive a physical examination and complete an online health risk assessment. Supporting documentation must be submitted to the Wellness Coordinator. Once awarded, the wellness leave balance will be updated in CAPPs. Wellness leave from the date it is earned, and will not be paid to the employees upon separation from employment.

10.10. MEMBERSHIP IN AND DUES FOR PROFESSIONAL ORGANIZATIONS.

TMD may not use appropriated money to pay for membership in or dues for a professional organization unless the Adjutant General or the Executive Director reviews and approves the expenditure. Request for payment or reimbursement of membership dues for professional organizations must be approved by the Adjutant General or Executive Director before such expenses are paid or reimbursed.

10.11. MOVING AND STORAGE EXPENSES.

a. TMD may use appropriated funds to pay expenses incurred in moving the household property of state employees who are:

(1) Reassigned from one headquarters to another if the department determines that the best interests of the State will be served and the distance between headquarters is at least 25 miles; or

(2) Employed at a facility that is being closed or is undergoing a reduction in force if the employee accepts a position with the department at another headquarters that is at least 25 miles from the facility that is being closed or undergoing a reduction in force.

b. TMD must use state-owned equipment to move an employee if it is available. If not, the department may pay for the services of a transportation company or self-service vehicles to make the move.

c. A state employee is entitled to be reimbursed for expenses incurred in traveling by a personally owned or a leased motor vehicle for a move described above at the rate provided by the General Appropriations Act for business-related travel by the employee.

d. TMD may also pay for or reimburse a state employee for storage expenses incurred if the employee is required to live in state-owned housing and the housing is not available when the move is made.

10.12. STATE-OWNED HOUSING.

There are certain situations in which TMD provides housing for employees. This housing may be at a reduced cost or at no cost to employees based upon provisions in the General Appropriations Act. Employees provided state-owned housing are expected to comply with applicable rules and policy governing occupancy and/or payments.

10.13. UNEMPLOYMENT COMPENSATION.

a. Unemployment insurance (UI) is an insurance program paid for by employers that provides benefits to qualified individuals unemployed through no fault of their own.

b. Individuals may file for UI benefits in two ways: on-line at Texas Workforce Commission's (TWC) "Apply for Benefits" Internet application or by calling one of TWC's Tele-Centers. Information about how to file a claim is also available on TWC's Web site at <http://www.texasworkforce.org>.

c. Coverage for State Employees Working Outside the State. TWC may enter into agreements with agencies of other states or federal agencies to cover an employee who performs his or her duties outside of Texas. If TWC is unable to execute a reciprocal agreement with another state, the employing Texas state agency shall become a reimbursing employer if permitted by the laws of the state in which the employee works. If the agency is not permitted to be a reimbursing employer, it may pay the required contributions for that employee from funds available for that purpose.



TEXAS MILITARY DEPARTMENT

STATE EMPLOYEE
POLICIES & PROCEDURES
MANUAL
Number 1200.01

Appendix 1
TMD Forms

1 September 2023



Texas Military Department

Request for Reasonable Accommodation

State Employee Form

PRIVACY DISCLOSURE: The information on this form will be used to process a request for reasonable accommodation and will be filed separate from personnel files for the duration of employment.

Employee Name:	Date:
Position:	Contact Number:
Supervisor's Name:	Contact Number:
Directorate/Branch:	

Date Accommodation(s) needed: _____ Beginning _____ Ending

<p>1. Do you have a physical or mental impairment that substantially limits one or more major life activities?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes; If so, please provide the Medical Inquiry form to your health care provider and return to the ADA Coordinator.</p>
<p>2. Does your condition limit your ability to perform any of the essential functions of your job?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes; If so, please describe with estimated length of time:</p>
<p>3. Does your condition limit your access to any employment benefits (such as training opportunities, use of leave, or access to facilities or employee programs)?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes; If so, describe and be as specific as possible:</p>
<p>4. List any specific accommodation(s) you are requesting and briefly describe how the accommodation(s) will assist you in performing the essential functions of your job:</p>

5. Will you be able to perform all the essential functions of your job if you receive the requested accommodation?

Yes

No; If so, please list those functions that you are unable to perform.

6. Provide any information or suggestions on how the requested accommodation can be provided. If known, please include the resource name, address and telephone number. If requesting specific equipment, please include make, model number, vendor and the approximate cost.

7. Provide any additional information that might be useful in processing your accommodation.

Employee's Signature: _____

Supervisor Recommendation:

Approval

Disapproval

Comment(s):

Supervisor Name (Printed)

Signature

Date

ADA Coordinator Recommendation:

Approval

Disapproval

Accommodation(s) Provided:

ADA Coordinator Name (Printed)

Signature

Date

Submit completed form via email to the OSA HR Office at benefits@military.texas.gov, or via fax at 512-374-0299. If you have any questions please call 512-782-3831.

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

Americans with Disabilities Act (ADA)

Accommodation Request -Medical Inquiry Form

This form must be completed by the Health Care Provider

The Texas Military Department (TMD) requires an employee requesting an **ADA Accommodation(s)** due to an **illness/injury/or temporary disability** to submit a medical inquiry form to be completed by the treating physician or health care provider to support the request.

Employee Name:	Date:
-----------------------	--------------

ADA/ADAAA Accommodation forms are used to comply with the Americans with Disabilities Act, as amended, by providing reasonable accommodation(s), upon request, for a qualified individual with a disability. Reasonable accommodation is any change to a program, service, facility, workplace or job requirement that enables an individual with a disability to participate in the performance of a job, services, program or activities provided or made available by this department. Reasonable accommodation will be provided upon approval from the ADA Coordinator, unless a request impose an undue hardship on TMD.

SECTION I: For Completion by the Health Care Provider:

Printed Name of Health Care Provider/Facility:		Type of Practice/Medical Specialty:	
Business Address	City	State	Zip
Telephone Number:		Fax Number:	
Signature of Health Care Provider		Date:	

A. Disability Assessment
Does the employee have a physical or mental impairment? <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, what is the impairment? Is the impairment permanent? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, what is the approximate duration of the impairment?
Does the impairment substantially limit a major life activity? <input type="checkbox"/> Yes <input type="checkbox"/> No

If yes, please check the appropriate substantially impaired major life activity.

<input type="checkbox"/> Caring for oneself	<input type="checkbox"/> Standing	<input type="checkbox"/> Concentrating
<input type="checkbox"/> Performing manual tasks	<input type="checkbox"/> Lifting	<input type="checkbox"/> Thinking
<input type="checkbox"/> Seeing	<input type="checkbox"/> Bending	<input type="checkbox"/> Communicating
<input type="checkbox"/> Hearing	<input type="checkbox"/> Speaking	<input type="checkbox"/> Working
<input type="checkbox"/> Eating	<input type="checkbox"/> Breathing	<input type="checkbox"/> Immune system functions
<input type="checkbox"/> Sleeping	<input type="checkbox"/> Learning	<input type="checkbox"/> Normal cell growth
<input type="checkbox"/> Walking	<input type="checkbox"/> Reading	<input type="checkbox"/> Digestive
<input type="checkbox"/> Bowel	<input type="checkbox"/> Bladder	<input type="checkbox"/> Neurological
<input type="checkbox"/> Brain	<input type="checkbox"/> Respiratory	<input type="checkbox"/> Circulatory
<input type="checkbox"/> Endocrine	<input type="checkbox"/> Reproductive	<input type="checkbox"/> Other*

*If "Other", please describe:

B. Accommodation Assessment

Using the job description provided by the employer, please describe the limitation(s) that interfere(s) with the employee's ability to perform the essential functions of the job.

What essential job function(s) does the employee have trouble performing due to the limitations?

C. Health Care Provider Recommendations

What are your recommendations for enabling the employee to perform the essential job functions? How will these recommendations enable the employee to perform those duties?

Does the employee receive treatment for this condition under another health care provider?

Yes

No

If yes, provide name(s) of health care provider and specialization.

In order for the employer to determine the employee's eligibility for accommodation(s), describe any relevant medical facts related to the condition for which the employee seeks accommodation or leave such as, symptoms, diagnosis, or any regimen of continuing treatment.

Submit completed form via email to the OSA HR Office at benefits@military.texas.gov, or via fax at 512-374-0299. If you have any questions please call 512-782-3831.

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

Request to Post A Job Vacancy Form

INSTRUCTIONS: Attach proposed job description and submit completed form to State HR at StaffingHR@military.texas.gov.

DIRECTORATE		BRANCH		DATE REQUESTED
HIRING MANAGER NAME			TELEPHONE NUMBER	EXT.
PROGRAM/FUNDS MANAGER NAME			TELEPHONE NUMBER	EXT.
HIRING MANAGER LIAISON			TELEPHONE NUMBER	EXT.
CLASS CODE / CLASSIFICATION TITLE		POSTING TYPE <input checked="" type="checkbox"/> OPEN TO THE PUBLIC <input type="checkbox"/> INTERNAL ONLY POSTING		
FUNCTIONAL TITLE		ADVERTISING PERIOD <input checked="" type="checkbox"/> 10 BUSINESS DAYS <input type="checkbox"/> OPEN UNTIL FILLED <input type="checkbox"/> OTHER _____		
SALARY GROUP	MONTHLY SALARY RANGE \$ _____ to \$ _____			
FUNDING TYPE <input type="checkbox"/> GENERAL REVENUE <input type="checkbox"/> FEDERAL FUNDING		POSITION TYPE <input checked="" type="checkbox"/> CLASSIFIED REGULAR FULL-TIME (CRF) <input type="checkbox"/> CLASSIFIED REGULAR PART-TIME (CRP) <input type="checkbox"/> CLASSIFIED TEMPORARY FULL-TIME (CTF) <input type="checkbox"/> CLASSIFIED TEMPORARY PART-TIME (CTP)		
APPENDIX	FEDERAL REIMBURSEMENT %		IF PART TIME, # OF HOURS _____	
SHIFT WORK REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		TRAVEL REQUIRED <input checked="" type="checkbox"/> YES (____%) <input type="checkbox"/> NO		
WORK LOCATION/ADDRESS		WORK HOURS <input checked="" type="checkbox"/> MONDAY - FRIDAY (8 HOUR DAYS) <input type="checkbox"/> TUESDAY – FRIDAY (10 HOUR DAYS) <input type="checkbox"/> MONDAY – THURSDAY (10 HOUR DAYS) <input type="checkbox"/> OTHER _____		
EXISTING OR NEW POSITION <input type="checkbox"/> NEW POSITION <input type="checkbox"/> BACKFILL Number of vacancies: _____				
CAPPS Position #	FIRST NAME	LAST NAME	VACANCY DATE	Do you want HR to rank candidates according to preferred qualifications? <input type="checkbox"/> YES (Specify below or attach) <input checked="" type="checkbox"/> NO
_____	_____	_____	_____	
_____	_____	_____	_____	
_____	_____	_____	_____	
_____	_____	_____	_____	
JUSTIFICATION FOR BACKFILL OR NEW POSITION:				
HIRING MANAGER SIGNATURE		DATE	DEPARTMENT MANAGER/DIRECTOR SIGNATURE	
PROGRAM/FEDERAL FUNDS MANAGER SIGNATURE		DATE	CHIEF FISCAL OFFICER OR BUDGET OFFICER SIGNATURE	

HUMAN RESOURCES DIRECTOR SIGNATURE: _____

<input type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE	DATE:
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DIRECTOR OF STATE ADMINISTRATION SIGNATURE: (if applicable) _____

<input type="checkbox"/> APPROVE <input type="checkbox"/> NA <input type="checkbox"/> DISAPPROVE	DATE:
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Texas Military Department

State Employee Performance Evaluation Form

INSTRUCTIONS: Attach updated/signed job description (if applicable) and submit completed form to State HR at HR@military.texas.gov.

I. EMPLOYEE IDENTIFICATION DATA				
EMPLOYEE LAST NAME, FIRST NAME, MI:		SECTION:	LOCATION:	
EMPLOYEE CLASSIFICATION/WORKING TITLE:		SUPERVISOR/MANAGER: (If yes, complete section G)	Yes	No
REASON FOR EVALUATION: 6 month (New Employee) Annual Other		<u>DATES OF EVALUATION PERIOD</u>		
		FROM:	TO:	
II. PERFORMANCE RATING DEFINITIONS				
1 = Unsatisfactory* 2 = Needs Improvement* 3 = Meets Standards and Expectations 4 = Exceeds Job Expectations*		Evaluate the employee on all Performance Elements below using these performance ratings. *Ratings of 1, 2 or 4 require comments Complete section VI (Additional Comments)*if necessary.		
III. PERFORMANCE ELEMENTS				
1	2	3	4	<u>A. Job Knowledge/Quality of Work</u> 1. Demonstrates competency in required job skills and knowledge 2. Exhibits ability to learn and apply new skills 3. Keeps abreast of current policies, procedures and issues 4. Has knowledge and skill necessary to perform assigned duties 5. Produces an acceptable level of work with minimal errors Comments:
1	2	3	4	<u>B. Communication & Interpersonal Skills</u> 1. Communicates well and understands instructions 2. Expresses ideas and thoughts in an appropriate manner 3. Keeps others adequately informed 4. Establishes and maintains effective relationships 5. Works well under stressful situations 6. Demonstrates good listening skills Comments:
1	2	3	4	<u>C. Teamwork</u> 1. Balances team and individual responsibilities 2. Gives suggestions and welcomes feedback 3. Willing to consider the views of others 4. Works effectively with others 5. Supports agency mission & vision 6. Willing to accept additional work for the benefit of the team Comments:

EMPLOYEE LAST NAME, FIRST NAME, MI:	SECTION:	LOCATION:
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III. PERFORMANCE ELEMENTS (cont'd)

1	2	3	4	<p><u>D. Dependability & Work Habits</u></p> <ol style="list-style-type: none"> 1. Follows policies and procedures 2. Completes tasks correctly and on time 3. Accepts appropriate direction/supervision 4. Takes responsibility for own actions 5. Seeks additional responsibility 6. Adheres to work schedules 7. Adheres to dress code policy 8. Anticipates problems and presents solutions 9. Displays ethical behavior in the workplace 10. Exhibits professional behavior in the work place <p>Comments:</p>
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1	2	3	4	<p><u>E. Planning & Organization</u></p> <ol style="list-style-type: none"> 1. Uses time and resources efficiently 2. Prioritizes and plans work activities effectively 3. Handles multiple tasks effectively 4. Integrates changes smoothly 5. Exhibits good judgment <p>Comments:</p>
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1	2	3	4	<p><u>G. Supervisor Section (only complete if the employee is a supervisor/manager)</u></p> <ol style="list-style-type: none"> 1. Makes timely decisions; and supports and explains reasoning for decisions 2. Works actively to resolve problems and is open to suggestions from staff 3. Gives appropriate feedback 4. Provides effective leadership 5. Maintains an "open door policy" and is easily accessible by staff 6. Ensures responsibilities are covered when absent 7. Completes Employee Evaluations on time 8. Completes required reports on time 9. Manages budget prudently and effectively 10. Exhibits sound and accurate judgment <p>Number of employees supervised: _____</p> <p>Comments:</p>
----------	----------	----------	----------	---

EMPLOYEE LAST NAME, FIRST NAME, MI:	SECTION:	LOCATION:
IV. TRAINING & DEVELOPMENT		
Status of required license(s) and/or certification(s):	N/A	Current
		Expired
Comments: Identify Training/Development Activities (accomplished during this evaluation period or planned for future): Comments:		
V. JOB DESCRIPTION (Check one)		
The employee job description on file in State Human Resources is: <input type="checkbox"/> Current <input type="checkbox"/> Outdated and updated job description is submitted with this evaluation		

The Direct Supervisor will be the first individual to sign the Performance Evaluation. Once the direct supervisor signs, the Performance Evaluation will then be signed by the Manager/Director. The Employee will be the last person to review and sign the Performance Evaluation. After all signatures are complete, the Performance Evaluation will be forwarded to State Human Resources.

Direct Supervisor's Signature: _____ Date: _____

Manager/
Director's Signature: _____ Date: _____

Employee Acknowledgement:

I have read and understand this performance review. I have had the opportunity to discuss this review with my supervisor and understand that I have three (3) work days after the last date below to submit any written comments that I wish to have included with this evaluation. My signature indicates only that I have read the review and that I have received a copy. My signature does not necessarily indicate that I agree with its contents.

Employee's Signature: _____ Date: _____

Any unsatisfactory rating requires an immediate written corrective action plan with goals and a 90 or 180-day special review period. Termination of employment may occur if performance does not reach a proficient level within the special review period. *This is not a guarantee of continued employment for 90 or 180 days.*

EMPLOYEE LAST NAME, FIRST NAME, MI:	SECTION:	LOCATION:
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VI. Additional Comments (if necessary)

Comments:



Texas Military Department

State Employee

Performance Counseling Form

PART I - ADMINISTRATIVE DATA

Last Name	First Name, M.I.	Social Security No. (Last 4)	Date of Counseling
Directorate/Branch		Name and Title of Counselor	

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling and includes the leader's facts and observations prior to the counseling)

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specific time line for implementation and assessment (Part IV below).)

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: I agree I disagree with the information above

Individual counseled remarks:

Signature of Individual Counseled: _____ Date: _____

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

Signature of Individual Counseled: _____ Date: _____

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Counselor: _____ **Individual Counseled:** _____ **Date of Assessment:** _____



Texas Military Department

Request for Outside Employment Form

TMD EMPLOYEE INFORMATION	
Name: _____ Last First MI	Contact Number: _____
TMD Job Title: _____	Department: _____
TMD Work Schedule and Hours: _____	Supervisor's Name: _____
OUTSIDE EMPLOYMENT INFORMATION	
<input type="checkbox"/> Check here if self-employed, and indicate the name and type of the business, such as Avon, Mary Kay, Amway, webpage designer, real estate broker: _____	
Position Applied For: _____	Work Days and Hours: _____
Proposed Starting Date: _____	Estimated Work Hours Monthly: _____
Employer or Company Name: _____	Company Address: _____
Supervisor's or Company Contact's Name: _____	
Supervisor's or Contact's Title: _____	Supervisor's or Contact's Business Phone: _____
Supervisor's or Contact's Business Address: _____	
CERTIFICATION	
Outside employment shall not begin until approved in accordance with TMD Employee Policies & Procedures 1200.01, section 2-27, "Outside Employment." My primary employer is the Texas Military Department (TMD) and my outside employment shall not interfere with the performance of my duties at TMD. If this request is approved and my current TMD or outside employment changes, this approval is no longer valid and a new request shall be submitted as required.	
Employee Signature _____	Date (MM/DD/YYYY) _____
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
Supervisor Signature _____	Date (MM/DD/YYYY) _____
Comments: Written explanation required if request is disapproved.	

Submit completed form via email to the OSA HR Office at hr@military.texas.gov, or via fax at 512-374-0299.
If you have any questions please call 512-782-5133.

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department Personnel Action Form

1. Effective Date	2. Last	3. First, Middle Initial	4. Empl ID:
5. Directorate/Branch:		5a. Appendix:	5b. Fed Reimb %

5c. Immediate Supervisor Name (Print): _____ Telephone Number: _____

6. Action: <input type="checkbox"/> Job Posting <input type="checkbox"/> Reclassification <input type="checkbox"/> Merit <input type="checkbox"/> One-time Merit Amt \$ _____ <input type="checkbox"/> New Hire <input type="checkbox"/> Promotion <input type="checkbox"/> Class Change <input type="checkbox"/> Leave Without Pay (See Box 7 below) <input type="checkbox"/> Demotion <input type="checkbox"/> Exempt Salary <input type="checkbox"/> Name <input type="checkbox"/> Location <input type="checkbox"/> Hours/Type <input type="checkbox"/> Other _____	6a. Separation: Last Physical Day Worked: Reason Code: Transfer to Agency #:
6b. Last Salary Action: Type: _____ Date: _____	

7. Leave Without Pay (choose 1 reason)	Beginning Date:	Code:
<input type="checkbox"/> Military <input type="checkbox"/> Worker's Comp <input type="checkbox"/> FMLA <input type="checkbox"/> Disciplinary	Estimated Return Date:	Actual Return Date:

8. Employee Information	Current	Proposed
Classification Number		
Classification Title		
Pay Group		
Monthly Salary		
Weekly Work Schedule		
FLSA/EEO Category		
Position Type		

Remarks:

Requesting Supervisor/Manager:	Federal Resource Manager: (If Applicable)
Print Name/Signature: _____ Date: _____	Print Name/Signature: _____ Date: _____
Federal Funds Program Manager: (Federal Funds Available)	Chief Financial Officer/Budget Manager: (General Revenue Funds Available)
Print Name/Signature: _____ Date: _____	Print Name/Signature: _____ Date: _____

9. Position Information (For HR Use ONLY)

Position Number	
CAPPS Department ID	
Location	
Budget Combo Code	

10. New Hire Information (For HR Use ONLY)

Address: _____	SSN: _____	Prior State Service: <input type="checkbox"/> Yes <input type="checkbox"/> No
Veteran's Status: <input type="checkbox"/> Currently Serving		Veteran's Preference:
<input type="checkbox"/> Unknown <input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Entry: _____	<input type="checkbox"/> No <input type="checkbox"/> Veteran <input type="checkbox"/> Unknown
	Date of Discharge: _____	<input type="checkbox"/> Orphan <input type="checkbox"/> Widow
Address Release Code: _____	Sex: _____	Home Phone: _____
	Race: _____	Date of Birth: _____

11. Separated Employee Leave Balances (For HR Leave Accounting Use ONLY)

Annual:	Sick:	Comp:
Payout:	Banked FLSA:	Holiday Comp:

12. Approval

Remarks:	Human Resources:			
	Print & Sign:		Date:	
	Do Not Write Below this Line			
	Received	HR	Budget Approval	Payroll
	Data Entry			

CF:



Texas Military Department

Leave Request

Name (Last, First, MI)	Employee ID Number
Department	Position Title

Section I: Accrued Paid Leave Entitlements - All Categories

Check Type of Leave Requested	Current Leave Balance	From: (Date & Time)	To: (Date & Time)	# of Hours:Minutes
<input type="checkbox"/> Sick Leave* <input type="checkbox"/> Self <input type="checkbox"/> Immediate Family				
<input type="checkbox"/> Donated Sick Leave				
<input type="checkbox"/> Overtime Leave				
<input type="checkbox"/> Compensatory Leave				
<input type="checkbox"/> Holiday				
<input type="checkbox"/> Vacation				

Medical Certification Attached. *Sick leave covering a period of more than three (3) consecutive days requires medical certification.

Employee Signature _____

Date: _____

Section II: Leave With Pay (Non-Accrued) - All Categories

Check Type of Leave Requested	From: (Date & Time)	To: (Date & Time)
Military Leave <input type="checkbox"/> Authorized Training/Duty <input type="checkbox"/> State Active Duty <input type="checkbox"/> Federal Active Duty	<div style="border: 1px solid black; padding: 2px; display: inline-block;">** Refer to Handbook Ch 4.27. **</div>	
Other Leave <input type="checkbox"/> Death in Immediate Family <input type="checkbox"/> Adverse Weather <input type="checkbox"/> Administrative Leave for Outstanding Performance <input type="checkbox"/> Jury Duty <input type="checkbox"/> Veterans Health Administration Leave <input type="checkbox"/> Service Dog Training <input type="checkbox"/> State EMS/Firefighting/Search and Rescue Volunteer Training <input type="checkbox"/> Urban Search and Rescue <input type="checkbox"/> Other	<div style="border: 1px solid black; padding: 2px; display: inline-block;">** Refer to Handbook Ch 4 **</div>	

Provide any comments in section IV below.

Section III: Leave Without Pay (LWOP) - All Categories

Check Type of Leave Requested	From: (Date & Time)	To: (Date & Time)
<input type="checkbox"/> LWOP/Military		
<input type="checkbox"/> LWOP/Medical (FMLA, Sick Leave, Workers' Comp)		
<input type="checkbox"/> LWOP/Parental		
<input type="checkbox"/> LWOP/Other		

Section IV: Employee Comments

Section V: Approvals

Supervisor	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Signature: _____	Date: _____
2nd Line Supervisor (if applicable)	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Signature: _____	Date: _____
Department Head (if applicable)	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Signature: _____	Date: _____
Human Resource Director (if applicable)	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Signature: _____	Date: _____
Director of State Administration (if applicable)	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Signature: _____	Date: _____

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

Work Schedule Request

Check one of the following: (Note: Each workweek must total 40 work hours)

- Standard Work Schedule** (Monday through Friday, 8-hours per day)
- Compressed/Flexible Schedule** (4 days per week at 10-hours per day, etc.)

EMPLOYEE NAME: _____ EMPLID: _____

DEPARTMENT: _____ EFFECTIVE DATE: _____

INSTRUCTIONS: In the 'Start Time-End Time', 'Lunch Period', and 'Physical Fitness Period' columns, enter the specific hours for each day (e.g., 8am-12pm, 1pm-5pm). In the "Work Hours" column, enter the number of work hours for each day. The last row, 'Total Workweek Hours', will auto-calculate. *Full-time employees must schedule 40 work hours during the workweek.

Day	Start Time - End Time	Lunch Period	Work Hours	**Telework Day(s)	***Physical Fitness Period
Sunday					
Monday					
Tuesday					
Wednesday					
Thursday					
Friday					
Saturday					
*TOTAL WORKWEEK HOURS:				**must have an approved telework agreement	***3 hours authorized per week

CERTIFICATION: I request permission to work the schedule outlined above. If my request includes a compressed/flexible schedule or telework, I confirm that my work can be accomplished within the above schedule with no loss of effectiveness, efficiency, customer service, or disruption to operations or others in my department. I understand that all approvals must be obtained in advance, prior to the commencement of this request. I understand that my supervisor may require me at any time and for any reason to return to the standard departmental work schedule, and I agree to do so upon request. I understand that telework requires an approved telework agreement and that my supervisor may terminate telework based on my performance or mission requirements at any time and for any reason (supervisors will give as much advance notice as possible).

Employee Signature *Date*

Immediate Supervisor Printed Name *Signature* *Date*

Next Level Supervisor Printed Name *Signature* *Date*

FOR OSA HR USE ONLY

DATE RECEIVED:	
DATE PROCESSED:	
REMARKS:	

Submit completed form to the OSA HR Office at HR@military.texas.gov.

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department Sick Leave Direct Donation - Donor Form

DONOR NAME	DONOR DEPARTMENT	DONOR JOB TITLE
RECIPIENT NAME	RECIPIENT DEPARTMENT	RECIPIENT JOB TITLE

DONATION OF SICK LEAVE HOURS

I authorize donation of my accrued sick leave to Sick Leave Pool and/or Family Leave Pool as indicated below:

- Donations are voluntary and available only for use by the indicated recipient.
Initial
- Donated sick leave will no longer be my property right and will be deducted from my sick leave balance accordingly. I understand this decision is irrevocable and donated sick leave will not be returned to me in the event the recipient is unable to utilize the approved donated sick leave.
Initial
- I am prohibited from receiving remuneration or a gift in exchange for donating sick leave and attest that I have not, and will not, receive any financial payment or gift in exchange for this donation.
Initial
- The value of the donated sick leave may invoke tax consequences if the recipient's need for sick leave donation does not qualify as a medical emergency pursuant to IRS guidelines.
Initial
- Final determination of medical emergency will not be known until fully assessed by HR.
Initial

TAX PROVISIONS

Check the applicable box and include the number of hours to be donated.

**Donations must be in 1-hour increments for processing.*

Only if my donation is considered tax exempt, I wish to donate the number of hours confirmed as medical emergency up to a maximum of _____ hours.

Regardless of whether my donation is tax exempt, I wish to donate _____ hours.

 I understand if the donation is determined taxable, I am advised that in accordance with IRS policy, the cash value of donated sick leave is includable in my gross income, and will be treated as wages. Such wages will be considered a lump-sum payment and subject to 25% income tax, Medicare, and applicable social security withholdings. I am encouraged to consult a tax advisor.
Initial

Signature of Employee (Donor)

Date

HR OFFICE USE:

Sick Leave Donation Eligibility: Eligible to receive donation. (Number of hours added _____ Date Processed _____)
 Not eligible. Check all that apply:

- Recipient has current sick leave balance
- Recipient has not exhausted all previously granted SLP hours
- Recipient is or may be eligible to apply for sick leave pool
- Recipient has not exhausted all previously donated sick leave
- Contingent donation with medical documentation not received/supported

Medical Emergency qualification: Yes, considered tax-exempt No, considered taxable (requires tax form to payroll)

Signature of Sick Leave Administrator/ Human Resources

Date

Submit completed form to the OSA HR Office at benefits@military.texas.gov.

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

Sick Leave Direct Donation - Recipient Form

RECIPIENT NAME	RECIPIENT EMPLOYEE ID
RECIPIENT DEPARTMENT	RECIPIENT JOB TITLE

DIRECT DONATION OF SICK LEAVE HOURS

I accept a direct donation of sick leave hours to be added to my leave account. In accepting this donation:

Initial Donated sick leave must be used in accordance with **TMD Employee Handbook Chapter 4.9**.
Initial Texas State law expressly prohibits remuneration or gifts in exchange for donating sick leave and attest that I have not and will not give any financial payment or gift in exchange for receiving this donation.
Initial The donor(s) may have donated sick leave hours contingent on qualification as a medical emergency pursuant to IRS guidelines; therefore, **medical certification is required** to make the determination for IRS qualification as a medical emergency.

MEDICAL CERTIFICATION REQUIREMENT

- Yes, donation is contingent on medical emergency qualification.
- No, donation is not contingent on medical emergency qualification.

Initial Failure to provide proper medical documentation may impact the ability to receive donated sick leave and that timeliness in providing the medical documentation is necessary as sick leave may not be permitted retroactively.

Initial Hours granted contingent on qualification as a medical emergency may only be used related to absences qualified under the approved certified medical illness or condition. It is my obligation to ensure proper usage of donated leave only for the certified condition.

Initial If my need for leave is eligible for sick leave pool consideration then I must apply, utilize and exhaust any eligible sick leave pool hours prior to accepting or using donated sick leave.

Initial Donated sick leave does not transfer to another state agency, cannot be paid to my estate, does not qualify for retirement service credit, and is not eligible for restoration upon re-employment.

Initial My employing department will be notified that I have accepted donated sick leave.

Signature of Employee (Recipient) _____
Date

HR OFFICE USE

Date form initially sent to recipient: _____ Medical certification: N/A No / Denied Yes: _____
 Medical emergency qualification determination: Yes, considered tax-exempt No, considered taxable (requires tax form to payroll)
 Medical condition certified through date (if applicable) _____ (recertification required beyond stated date)
 Number of donated hours approved: _____ Date processed in leave system: _____

Signature of Sick Leave Administrator/ Human Resources _____
Date

Submit completed form to the OSA HR Office at benefits@military.texas.gov.

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

Sick Leave Donation - Recipient

Health Care Provider Medical Certification

Employee Name: _____ Practitioner Name: _____

Employee Phone: _____

To be completed by licensed practitioner

Please answer, fully and completely. Answers should be your best estimate based upon your knowledge, experience and examination of the patient. Be as specific as possible; terms such as “unknown or indeterminate” may not be sufficient to determine if pool donation criteria is met. An employee requesting Family Leave Pool for reasons described below must provide a Family Leave Pool Health Medical Certification form. The form must include the expected duration of the condition and expected return to work date.

Describe relevant medical facts, related to the patient’s condition (symptoms, diagnosis, etc.)

1) Employee Serious Medical Condition (Including Pandemic Related Illness): a major illness or other medical condition (e.g., heart attack, cancer, etc.,) that required prolonged absence from work, including intermittent absences that are related to the same illness or condition.

Does this employee meet the definition of Serious Medical Condition? Yes No

2) Family Member Serious Medical Condition (Including Pandemic Related Illness): a major illness or other medical condition (e.g., heart attack, cancer, etc.) that required a prolonged absence from work, including intermittent absences that are related to the same illness or condition.

Does this employee meet the definition of Serious Medical Condition? Yes No

3) Birth of a Child Yes No

4) An extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member:

Yes No

5. Approximate date condition(s) commenced and date(s) you treated patient:

6. Expected duration of the condition or combination of conditions that will prevent our employee from working?

First Date of Expected Leave: _____ Expected Return to Work Date: _____

Licensed Practitioner Signature: _____

Printed Name: _____ Date: _____ Phone: _____

Type of Practice: _____ Fax: _____

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

Sick Leave Pool or Family Leave Pool Donation Form

EMPLOYEE/DONOR NAME	EMPLOYEE/DONOR DEPARTMENT	EMPLOYEE/DONOR JOB TITLE
SEPARATION DATE	RETIREMENT? ____ Yes ____ No	STATE AGENCY TRANSFER? ____ Yes ____ No New Agency _____

DONATION OF SICK LEAVE HOURS

I authorize donation of my accrued sick leave to Sick Leave Pool and/or Family Leave Pool as indicated below:

____ Sick Leave Pool; I wish to donate _____ hours.
Initials

____ Family Leave Pool; I wish to donate _____ hours.
Initials

____ Contributions of must be in increments of eight hours with the exception of a retiring state employee who may contribute accrued sick leave in increments of less than eight hours.
Initials

____ I understand that my donated sick leave hours will reduce my balance and that if I return to duty within twelve months the donated hours will not be returned to me unless I meet the eligibility criteria stated in the TMD State Employee Policies & Procedures Handbook, 1400.01.
Initials

____ I have been given a copy of the Sick Leave Pool and/or Family Leave Pool and I understand the provisions.
Initials

____ I understand that Family Leave Pool contributions are taxable and considered wages for income tax purposes. For example, if an employee that earns \$3,284.27 monthly contributes eight hours of accrued time, the value of those eight hours would be \$151.58. This is the amount that would be added to the employee's gross wages amount reported in box 1 on the employee's annual W2 statement. Employees should consult with a tax advisor regarding tax implications.
Initials

Signature of Employee (*Donor*)

Date

HR OFFICE USE:

Sick Leave Pool: Number of hours added: _____ Date Added: _____

Family Leave Pool: Number of hours added: _____ Date Added: _____

Signature of Leave Specialist/ Human Resources

Date

PAYROLL OFFICE USE:

Family Leave Pool Processing:

Number of hours donated: _____

Employee's Current Salary: _____

Total value of donated hours added to employees gross wages for tax purposes: _____

Signature of Payroll Specialist

Date

Submit completed form to the OSA HR Office at benefits@military.texas.gov.

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

Sick Leave Pool Withdrawal

Application Form

Part 1: Employee Information

Name:	Department:
Job Title:	Supervisor:
Email:	Contact #:
I request an award from the Family Leave Pool to be used for:	
If Serious Health Condition: My Own Serious Health Condition Family Member's Serious Health Condition	
Requested Number of Sick Leave Pool Days:	Anticipated Sick Leave Usage Dates:

Part 2. Request for Award from Sick Leave Pool

I request an award from the Sick Leave Pool on behalf of (check one) myself or an immediate family member because of a catastrophic illness or injury.

If the request is because of an illness or injury of an immediate family member, please provide the following:

1. The name of the ill/injured individual:
2. The relationship to the employee:

Part 3. Proof of Medical Condition

1. You must submit proof of the medical condition from a licensed practitioner. Return the Licensed Practitioner Statement with this application.
2. You may be asked for additional proof of medical information from you or your healthcare provider.

Employee Signature:	Date:
*If applicable, name of immediate family member:	* If applicable, relationship to employee:

Part 2: Completed by TMD OSA Human Resources

Eligible for SLP: Yes No	SLP hours <u>previously</u> awarded for this illness:	Date Additional Information Requested/Received:
Number of Days Approved:	SLP Administrator Determination: Approved Disapproved	SLP Administrator Signature and Date:

Submit completed forms and required documentation to: **TMD OSA HR at benefits@military.texas.gov**

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

Sick Leave Pool Withdrawal

Medical Certification

I authorize my licensed practitioner, to release any information requested on this form and any other pertinent information concerning my or an immediate family member's condition to Texas Military Department State Human Resources Office.

Patient's Name Printed _____

Employee's Name (If different from Patient's name) _____

Patient's Signature or Parent/Legal Guardian Signature _____

Date _____

The employee named above has applied to the TMD sick leave pool for benefits. The information requested will be used solely to determine the employee's eligibility for benefits and, if eligible, the amount of time to be awarded to the employee.

To be completed by Licensed Practitioner

1. Does the patient's condition qualify under any of the following? (check all that apply)

- Absence Plus Treatment
- Chronic Condition Requiring Treatment
- Multiple Treatments (non-chronic conditions)
- Pregnancy or Prenatal Care
- Elective Treatment
- Result in Death if Not Treated Promptly
- Hospital Care *
- Permanent/Long-Term Condition Requiring Supervision
- Causes a Person to be declared a Danger to themselves or others

*Dates:

2. If leave is required to care for a family member of the employee with a serious health condition, does the patient require assistance for basic: Please Check all that apply:

- Medical needs
- Safety
- Transportation
- Psychological comfort

3. Due to the patient's health condition, the employee is unable to work from: to:

4. Due to the patient's health condition, provide a medical recommendation for the frequency and duration of the employee's leave (i.e. hours/day, days/week; for 3 months, 6 months, etc).

5. Describe the medical facts which support your certification regarding the serious health condition that impede the employee's ability to work, including date the condition commenced.

Note: Please attach supporting documentation if needed.

6. Date of next scheduled appointment:

Licensed Practitioner Signature: _____

Printed Name: _____ Date: _____ Phone: _____

Name and Type of Practice: _____ Fax: _____

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

Sick Leave Pool Withdrawal Recipient Acknowledgment Form

Recipient's Name:	Recipient's Employee ID:
Recipient's Department:	Recipient's Email:

I have reviewed the Sick Leave Pool policy and understand the following:

- Donated sick leave must be used for reasons in accordance with the Sick Leave Policy.
- State law expressly prohibits remuneration or gifts in exchange for donating sick leave and I attest that I have not and will not give any financial payment or gift in exchange for receiving this donation.
- If leave is contingent on qualification as a serious medical condition; I must provide medical documentation using the Sick Leave Pool Health Care Provider Medical Certification form, to Human Resources. Failure to provide proper documentation will disqualify me from receiving these donated hours.
- Leave may not be applied retroactively and may only be used for absences qualified under the approved certified medical illness or condition, pandemic related absences or baby bonding. It is my obligation to ensure proper usage of leave only for the certified condition.
- I must exhaust all available leave prior to utilizing sick leave pool hours.
- Sick leave pool hours do not transfer to another state agency, cannot be paid to my estate, does not qualify for retirement service credit, and is not eligible for restoration upon re-employment.
- My employing department will be notified that I have accepted the Sick Leave Pool Donation..

Employee Signature

Date

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

Family Leave Pool Withdrawal

Application Form

Part 1: Completed by the Employee

Name:	Department:
Job Title:	Supervisor:
Email:	Contact #:
I request an award from the Family Leave Pool to be used for: Please indicate: Birth of a Child <input type="checkbox"/> Baby Bonding <input type="checkbox"/> Serious Health Condition <input type="checkbox"/> Pandemic Related Reasons <input type="checkbox"/> <input type="checkbox"/> Placement of a Foster Child or Adoption under 18 years of age <input type="checkbox"/> Placement of any Person 18 years of Age or Older Requiring Guardianship <input type="checkbox"/> Previous Donation to the Family Leave Pool <input type="checkbox"/>	
If Serious Health Condition: <input type="checkbox"/> My Own Serious Health Condition	<input type="checkbox"/> Family Member's Serious Health Condition
Effective Date of Leave Request:	Date of anticipated return to work:

Documentation Required for Final Processing of Application:

- For birth of a child: Physician or practitioner certification form for employee/family member.
- Bonding – in the first year after child's birth: Birth certificate to verify use of bonding within first year.
- Serious illness of employee or immediate family member or the employee, including pandemic related illness: Physician or practitioner certification form for employee/family member.
- Placement of foster child or adoption of a child under 18 years of age: Adoption order.
- Placement of any person 18 years of age or older requiring guardianship: Placement order.
- Serious illness of an immediate family member or the employee, including pandemic related illness: Physician or practitioner certification form for employee/family member.
- An extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member:
 - Physician or practitioner medical certification form for employee/family member.
 - Proof of closure of school or daycare.
 - Persons not listed on TMD employee insurance provided by ERS will require documentation that establish the relationship. Acceptable documentation examples are provided in the [Dependent Eligibility Chart](#).

EMPLOYEE AGREEMENT:

I have read the Family Leave Pool policy and by my signature below I certify that this application meets the requirements of that policy. I understand that I must meet the requirements set out in the Family Leave Pool policy and that the decision of the Family Leave Pool Administrator is final. I understand that I must authorize my health care provider(s) to release all necessary information requested on the Family Leave Pool Medical Certification form and any charges I incur for the completion of this document will be at my expense.

Employee Signature:	Date:
*If applicable, name of immediate family member:	* If applicable, relationship to employee:

Part 2: Completed by TMD OSA Human Resources

FLP hours previously awarded for this illness:	Date Additional Information Requested:	Date Additional Information Received:
Eligible for FLP: Yes No	Number of Days Approved:	Date employee/Dept notified:

Submit completed forms and required documentation to: **TMD OSA HR at benefits@military.texas.gov**



Texas Military Department

Family Leave Pool Withdrawal Medical Certification

Employee Name: _____ Practitioner Name: _____

Employee Phone: _____

To be completed by licensed practitioner

Please answer, fully and completely. Answers should be your best estimate based upon your knowledge, experience and examination of the patient. Be as specific as possible; terms such as "unknown or indeterminate" may not be sufficient to determine if pool donation criteria is met. An employee requesting Family Leave Pool for reasons described below must provide a Family Leave Pool Health Medical Certification form. The form must include the expected duration of the condition and expected return to work date.

Describe relevant medical facts, related to the patient's condition (symptoms, diagnosis, etc.)

1) Employee Serious Medical Condition (Including Pandemic Related Illness): a major illness or other medical condition (e.g., heart attack, cancer, etc.,) that required prolonged absence from work, including intermittent absences that are related to the same illness or condition.

Does this employee meet the definition of Serious Medical Condition? Yes No

2) Family Member Serious Medical Condition (Including Pandemic Related Illness): a major illness or other medical condition (e.g., heart attack, cancer, etc.) that required a prolonged absence from work, including intermittent absences that are related to the same illness or condition.

Does this employee meet the definition of Serious Medical Condition? Yes No

3) Birth of a Child Yes No

4) An extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member:

Yes No

5. Approximate date condition(s) commenced and date(s) you treated patient:

6. Expected duration of the condition or combination of conditions that will prevent our employee from working?

First Date of Expected Leave: _____ Expected Return to Work Date: _____

Licensed Practitioner Signature: _____

Printed Name: _____ Date: _____ Phone: _____

Type of Practice: _____ Fax: _____

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Texas Military Department

Family Leave Pool Withdrawal Recipient Acknowledgment Form

Recipient's Name:	Recipient's Employee ID:
Recipient's Department:	Recipient's Email:

I have reviewed the Family Leave Pool policy and understand the following:

- Donated sick leave must be used for reasons in accordance with the Family Leave Policy.
- State law expressly prohibits remuneration or gifts in exchange for donating sick leave and I attest that I have not and will not give any financial payment or gift in exchange for receiving this donation.
- If leave is contingent on qualification as a serious medical condition; I must provide medical documentation using the Family Leave Pool Health Care Provider Medical Certification form, to Human Resources. Failure to provide proper documentation will disqualify me from receiving these donated hours.'
- Leave may not be applied retroactively and may only be used for absences qualified under the approved certified medical illness or condition, pandemic related absences or baby bonding. It is my obligation to ensure proper usage of leave only for the certified condition.
- I must exhaust all available leave prior to utilizing family leave pool hours.
- Family leave pool hours do not transfer to another state agency, cannot be paid to my estate, does not qualify for retirement service credit, and is not eligible for restoration upon re-employment.
- My employing department will be notified that I have accepted the Family Leave Pool Donation..

Employee Signature

Date

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

Fitness For Duty/Return to Work Certification

TO BE COMPLETED BY THE EMPLOYEE

Name: _____ Department: _____ Supervisor: _____

Work Phone: _____ Home Phone: _____ Supervisor Phone: _____

I understand that if my release includes workplace restrictions related to my medical condition, it must reach TMD OSA Human Resources **prior** to my return to work date. I understand that my return to work date may be delayed so that my department can evaluate any identified restrictions. If restrictions are substantially limiting, are expected to continue longer than 3 months or are considered permanent, your return release will be reviewed under the ADA (Americans with Disabilities Act).

Employee Signature

Last Day Worked

Date

TO BE COMPLETED BY THE HEALTHCARE PROVIDER

NOTE: Please refer to the attached job description for a list of essential job functions.

(1) This condition is: Not work related. Work related. *If work related, do not complete this form. Complete the Texas DWC-73 Work Status Report form.*

(2) Employee may:

____ Return to work on _____ (date) without restrictions.
 ____ Return to work on _____ (date) with restrictions as indicated below through _____ (date).
 ____ Unable to return to work from _____ (date) to _____ (date) due to incapacity or restrictions.
 ____ Restrictions listed below are **PERMANENT**.

(3) Employee may work full-time hours? YES NO

If NO: Maximum hours/workday: _____ Maximum hours/week: _____ *Employee may be eligible for FMLA.*

(4) WORK RESTRICTIONS

Employee may perform activity:

	NONE 0% of workday	OCCASIONALLY 1-33% of workday	FREQUENTLY 34-64% of workday	CONSTANTLY 65-100% of workday
--	--------------------------	-------------------------------------	------------------------------------	-------------------------------------

Lifting maximum _____ pounds				
Pushing / pulling maximum _____ pounds				
Reaching above shoulder R / L (circle)				
Grasping / squeezing				
Keyboarding				
Repetitive hand / wrist motion R / L (circle)				
Sitting				
Standing / Walking				
Squatting / kneeling				
Repetitive bending / stooping				
Climbing stairs / ladders (circle)				

Other restrictions (if any):

Must use crutches or splint or other <input type="checkbox"/> YES <input type="checkbox"/> NO Specify other: _____	Able to drive vehicle for work purposes, if applicable <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Able to work with others: <input type="checkbox"/> YES <input type="checkbox"/> NO	Able to give supervision, if applicable: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
No exposure to: _____	

Name and Type of Practice: _____

Licensed Practitioner Printed Name: _____ Signature: _____

Date: _____ Phone: _____ Fax: _____

Submit completed form via email to the OSA HR Office at benefits@military.texas.gov, or via fax at 512-374-0299. If you have any questions please call 512-782-3831.

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

Administrative Leave for Outstanding Performance Request Form

INSTRUCTIONS This form is used by departments to request the approval of Administrative Leave to recognize eligible employees for special outstanding accomplishments or performance. Administrative leave is subject to published procedures and guidelines.

Supervisor/Manager initiating request (printed name)	Requested Date of Award
Department	Number of hours requested <i>(maximum 32 hours per fiscal year)</i>
Name(s) of Employee(s) recommended for Administrative Leave With Pay: (separate justification required for each employee)	
Justification/description of performance warranting Administrative Leave With Pay: (attach additional pages as needed)	

I respectfully recommend the employee(s) above for the award of Administrative Leave with Pay and have verified eligibility and proper procedures for such leave:

Supervisor/Manager Signature* _____
Date

***Note to Managers and Supervisors:** If approved, the employee must be notified of this award (preferably in writing) and given the date in which the hours must be used (12 months from the date of the award). Any exceptions to this timeframe must be approved by the department head and communicated to the employee.

1. If Applicable - Next Higher Level Supervisor Recommends Approval Disapproval

Department Head / Director Name (printed) _____
Department Head or designee signature _____
Date

2. Department Director Recommends: Approval Disapproval

Authorized Name (printed) _____
Authorized signature _____
Date

3. TMD OSA HR Review/Recommendation: Approval Disapproval

Number of Administrative Leave Hours Awarded in applicable Fiscal Year (FYTD): _____
Last Salary Action (type): _____ Effective Date: _____
Last Merit Action (type): _____ Effective Date: _____

HR Representative Name (printed) _____
Authorized signature _____
Date

4. Director of State Administration or Adjutant General: Approved Not Approved

Authorized Name(printed) _____
Authorized signature _____
Date

Submit completed form via email to the OSA HR Office at payroll@military.texas.gov If you have any questions please call 512-782-1012.

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

Emergency Leave Request for Death in State Employee's Family

An employee is entitled to a maximum of **24 hours** emergency leave, with pay for a death in the employee's family. An employee's family is defined as the employee's spouse, as well as the employee's and spouse's parents, children, brothers, sisters, grandparents and grandchildren (including step relatives). The request must be approved by the State Human Resources Director or an State Human Resources Representative. If approved, a copy of the Emergency Leave approval must be attached with the employee's timesheet.

Name of Employee: _____

Directorate/Section: _____

Total Number of Emergency Leave Hours Requested: _____

Date: _____ TO Date: _____

Deceased Relationship to Employee or Spouse:

- | | | |
|--------------------------|------------------------------|-------------------------|
| Spouse | (Step)Parent | (Step)Child(ren) |
| (Step)Brother | (Step)Sister | |
| (Step)Grandparent | (Step)Grandchild(ren) | |

Approval Recommended By:

Supervisor's Printed Name

Supervisor's Signature

Approved Disapproved

State HR Director or State HR Representative Printed Name

State HR Director or State HR Representative Signature

Submit completed form via email to the OSA HR Office at payroll@military.texas.gov If you have any questions please call 512-782-1012.

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

Wellness Program

Wellness Leave Request Form

Eight (8) hours of Wellness Leave may be granted once in a 12 month period. To be eligible, state employees must complete this form and the following steps:

1. Submit proof of completing an online Health Risk Assessment Tool; AND
2. Receive an annual physical examination; AND
3. Sign the Wellness Program Release and Authorization form.

Note: Wellness Leave taken must be annotated in CAPPS under leave balances. To take Wellness Leave, use the Time Reporting Code WELLT on the CAPPS timesheet.

Follow and complete the information below.

Employee Name (print)

Supervisor Name (print)

Step 1: Complete an online Health Risk Assessment Tool and print the certificate of completion. The following state health insurance provider offers a Health Risk Assessment Tool. You will be required to log in or register an account.

- BlueCross BlueShield Health Select: <http://healthselect.bcbstx.com>

An option for employees that do not have state health insurance.

- Scott and White (Non-Members) Select: <https://fehbw.org/health-wellness-programs>. Use Corp ID 1300 to take the Assessment.

Step 2: Receive an annual physical exam. Sign below to certify completion.

Date of Physical Exam

Employee Signature

Step 3: Review and sign the Wellness Program Release & Authorization form. After all three requirements have been completed, submit required documents to the Wellness Coordinator for review. Employees and their supervisors will receive notice once Wellness Leave is awarded.

Tanya Kelly, Wellness Coordinator, Tanya.Kelly@military.texas.gov

Mailing Address: Camp Mabry (NGTX-R), P.O. Box 5218, Austin, TX 78763

Eligible

Not Eligible

Date

Reviewer's Signature

Comments

Questions? Contact the Wellness Coordinator at (512)782-5142 or State HR at (512)782-5133.

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

State Employee Complaint/Grievance Form

About You ("The Complainant")

1. Name (Last, First, MI):	2. Program/Directorate:
3. Preferred Contact Telephone:	4. Email Address:
5. Have you asked your immediate supervisor or chain of command for assistance? Yes No	6. Mailing Address:
7. Who or what is your complaint concerning? <input type="checkbox"/> Manager/Supervisor <input type="checkbox"/> Facility <input type="checkbox"/> Another Employee <input type="checkbox"/> Other _____	

About The Person(s) You are Filing a Complaint Against (The "Respondent")

8. Respondent Name: _____

9. Supervisor Other (Specify): _____

10. Respondent's Department and title: _____
(If applicable)

About Your Complaint

11. Dates and frequency the event(s) occurred: _____

12. Please describe the specific decision(s) or circumstances causing the complaint (give specific factual details). If additional space is needed, you may write on the reverse side of this form or attach a separate sheet(s):

13. Please explain how you have been harmed by this decision or circumstance:

14. Please list the policy, rule, law, etc., allegedly violated, misinterpreted, or misapplied.

15. Please describe any efforts you have made to resolve your complaint informally and the responses to your efforts:

With whom did you communicate? _____

On what date(s)? _____

16. Are there others who have witnessed this behavior or others who have experienced similar behavior by the individual named above? If so, please provide their name(s), indicate if they are a witness or an individual with similar experience, their address(s) and their phone number(s).

17. Have you filed this complaint with any other agency or an attorney? Yes No

If yes, with whom?

18. What is your requested action/desired outcome to address or resolve the complaint/grievance?

19. Do you have any additional information or comments (use separate sheet if necessary):

Signature of person making report: _____

Date: _____

FOR OFFICE USE ONLY	
Date Received:	Case No:

Submit completed form via email to the OSA HR Office at HR_Complaints@military.texas.gov If you have any questions please call 512-782-6822.

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



Texas Military Department

State Employee Telework Agreement

1. Employee Name	Last Name	First Name	Middle Initial
2. Date Agreement Submitted	3. Department		4. Position Title
5. Official Work Site Location	6. Employee Business Telephone Number	7. Employee Email Address	
8. Telework Location	9. Employee Telework Telephone Number	10. Weekly Mileage Savings: _____ miles per week	
11. First Line Supervisor	12. Supervisor Telephone Number	13. Supervisor Email Address	

14. Schedule:

- Routine Telework** - telework performed as part of a previously approved, ongoing, and regular schedule. The agreed upon schedule is a maximum of _____ days per week.
- Situational Telework** - telework approved on a case-by-case basis, where the hours worked were NOT part of a previously approved, ongoing, and regular telework schedule. Examples include telework to accommodate scheduling issues such as appointments or special work assignments away from the office. Situational telework is sometimes also referred to as or ad-hoc telework.

The employee is scheduled to telework the following days:

Monday Tuesday Wednesday Thursday Friday Saturday Sunday

The employee's core hours on telework days when they are available to their supervisor and coworkers are: _____ to _____.

In the event the main worksite is closed due to weather or other emergency, the employee is to continue working from the telework location unless instructed otherwise by their supervisor.

15. I acknowledge there may be situations when I will be required to report to the Agency worksite during an otherwise planned telework day and that my supervisor agrees to provide advance notice the maximum extent possible.

Yes No

16. I understand the rules, regulations, and Agency policies which govern time and attendance, leave, compensatory time, and overtime remain in effect regardless of whether I am working at an Agency worksite or from an appropriate alternative worksite (*e.g. my home*). Specifically:

- Technology and devices which permit me to work from a remote location such as my home (*including laptop computers, email, smartphones, and remote computing programs*) are for use for Agency business only during my authorized duty hours. Agency policies permitting reasonable personal use of Agency equipment and information technology systems apply when I am teleworking.
- Agency policy requires I obtain supervisor approval in writing before I work overtime including while I am teleworking. I am not permitted to work overtime unless it is authorized and approved in advance by my supervisor.

Yes No

17. I have the necessary Information Technology (IT) tools, equipment, and training to efficiently telework, pursuant to TMDs State Employee Telework Policy.

Yes No

18. I understand my responsibilities as a teleworking employee as outlined in the TMD State Employee Policies and Procedures Handbook, Chapter 8.

Yes No

Employee Certification and Additional Acknowledgements

I affirm I have read and understand the TMD State Employee Telework Policy and this Telework Agreement and will work in accordance with all provisions of this Telework agreement and Agency policy, and agree to the following:

- Ensuring my appropriate alternative worksite is safe, secure, and suitable for teleworking activities;
- Providing at no cost to TMD Internet access to access resources;
- Securing and safeguarding TMD furnished equipment;
- Working at a satisfactory level to meet my performance and development objectives;
- Meeting my personal, organizational, and work team requirements;
- Documenting my participation in telework in accordance with established timekeeping procedures;
- Remaining accessible and productive during scheduled work hours;
- Reporting to the employer's work location as necessary upon directive from his or her supervisor;
- Communicating regularly with my supervisor and co-workers, which may include a weekly written report of activities;
- Complying with all Texas Military Department rules, policies, practices and instructions that would apply if I were working at my work location;
- Maintaining satisfactory performance standards;
- Making arrangements for regular dependent care and understands that telework is not a substitute for dependent care. During emergency situations, exceptions may be made for employees with caregiving responsibilities;
- Maintaining a safe and secure work environment at all times;
- Allowing the employer to have access to the telework location for purposes of assessing safety and security, upon reasonable notice by the TMD;
- Reporting work-related injuries to his or her manager as soon as practicable;
- I agree that TMD equipment will not be used by anyone other than me and only for business-related work. I will not make any changes to security or administrative settings on TMD equipment;
- I understand that all tools and resources provided by TMD shall remain the property of the Agency at all times;
- I agree to protect company equipment and resources from theft or damage and to report theft or damage to my supervisor immediately;
- I agree to comply with TMD's policies and expectations regarding information security. I will be expected to ensure the protection of TMD and customer information at my telework location;
- I understand that all terms and conditions of employment with TMD remain unchanged, except those specifically addressed in this agreement;
- I understand that management retains the right to modify this agreement on a temporary or permanent basis for any reason at any time;
- I understand that if I cannot perform my duties from my telework location, I must request report to my work location or request leave (paid or unpaid); weather and safety leave may be provided under limited circumstances; and
- I agree to return TMD equipment and documents immediately upon termination of employment.

This telework agreement is subject to all agency guidelines, rules and policies. I understand the agreement may be used or reviewed by management for the purpose of implementing agency policy and assessing TMD's Telework Program.

Employee Signature: _____

Date: _____

Supervisor Review

(To be completed by the employee's supervisor)

19. This position is Telework Eligible in accordance with the eligibility checklist. Yes No

If "No", give reason: Secured Materials On-site Activity Other (Explain below)

20. The employee is temporarily ineligible to telework Yes No

Reason: Organizational Requirements Performance or Conduct Other (describe below; also describe the plan, including timeframe and specific actions (training, etc.) required to gain eligibility).

Supervisor Certification

(To be completed by the employee's supervisor)

I affirm I have read and understand the TMD Telework Policy, and this telework agreement, and will supervise employee telework in accordance with this telework agreement and Agency policy, and will refrain from treating employees differently based on participation in telework for purposes of all decisions involving managerial discretion, including:

- Distribution of assignments,
- Use of appropriate work tracking and communication tools, and
- Performance management.

This telework agreement is subject to all agency guidelines, rules and policies.

Supervisor Recommendation: Approval Disapproval (provide reason below)

Supervisor Signature: _____

Date: _____

Director Certification

(To be completed by the employee's Department Director)

I affirm I have read and understand the TMD Telework Policy and this telework agreement, and will manage Directorate telework in accordance with this telework agreement and Agency policy, and will refrain from treating employees differently based on participation in telework for purposes of all decisions involving managerial discretion, including:

- Distribution of assignments,
- Use of appropriate work tracking and communication tools, and
- Performance management.

Telework Agreement is: Approved Disapproved (provide reason for disapproval below)

Director Signature: _____

Date: _____

OSA Human Resources Approval

(To be completed by OSA HR)

Position is Telework Eligible Employee is Telework Eligible All required documents are complete and accurate

Telework Agreement is: Approved Disapproved (provide reason for disapproval below)

OSA HR Representative Signature: _____

Date: _____

Submit completed form to the OSA HR Office at HR@military.texas.gov

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Texas Military Department

State Employee

Telework Eligibility Checklist

1. Employee Name	Last Name	First Name	Middle Initial
2. Date	3. Department		4. Position Title
5. First Line Supervisor	6. Supervisor Telephone Number	7. Supervisor Email Address	

8. Employee Eligibility:	Yes	No
• Is this employee serving a probationary period?		
• Is the employees' current level of performance acceptable?		
• Does this employee work with classified information daily?		
• Will this employee work with Privacy Act (PA) material? If yes, was the employ briefed on the proper handling of PA material?		
• Is the employee current on mandatory annual training pertaining to: (provide date and certificate): <ul style="list-style-type: none"> ○ Human Trafficking ○ EEO ○ Sexual Harassment ○ Cyber Security 		
• Does the position require direct contact with customers and or other employees?		
Is the employee currently on a performance improvement plan (PIP)?		

9. Employee Work Characteristics			
Evaluate the following work characteristics of this employee's position:	Low	Med	High
• Clarity of goals and objectives			
• Ability to schedule face-to-face contact on certain days of the week			
• Degree to which communications can be accomplished using telephone, e-mail, electronic file transfer, etc.			
• Ability to control workflow/schedule			
• Reliability of technology to support employee when teleworking			
• Amount of face-to-face contact required			
• Amount of in-office reference materials or other resources required			
• Impact on work team when employee is teleworking			

10. Job characteristics:	Adverse Impact?	
When reviewing the following job characteristics, identify those that would have an adverse impact on the employee's ability to telework on a regular basis.	Yes	No
• Ability to set clear work objectives		
• Ability to clearly define tasks for telework days		
• Ability to schedule face-to-face interaction for specified days		
• Ability to limit the use of on-site resources		
• Ability to control work scheduling		
• Ability to benefit from quiet or uninterrupted time		
• Above job characteristics will not adversely impact the employee's ability to telework on a regular basis		

11. Type of telework eligibility:	Yes	No
<ul style="list-style-type: none"> Is this employee eligible to telework on a regular/recurring basis? 		
<ul style="list-style-type: none"> Is this employee eligible to telework on a situational basis? 		

Supervisor Signature:

Date:

Employee Signature:

Date:

Submit completed form to the OSA HR Office at HR@military.texas.gov.

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Texas Military Department

State Employee

Telework Safety Checklist

The following checklist is designed to assess the overall safety of the alternative worksite/telework site. Please read and complete the self-certification safety checklist.

1. Employee Name	Last Name	First Name	Middle Initial
2. Date	3. Department	4. Position Title	
5. Official Work Site Location	6. Employee Business Telephone Number	7. Employee Email Address	
8. Telework Location	9. Employee Telework Telephone Number	10. Weekly Mileage Savings: _____ miles per week	
11. First Line Supervisor	12. Supervisor Telephone Number	13. Supervisor Email Address	

Item #	General	Yes	No
1	Workspace is away from noise, distractions, and is devoted to your work needs?		
2	Workspace accommodates workstation, equipment, and related material?		
3	Floors are clear and free from hazards?		
4	File drawers are not top-heavy and do not open into walkways?		
5	Phone lines and electrical cords are secured under a desk or along wall, and away from heat sources?		
6	Temperature, ventilation, and lighting are adequate?		
7	All stairs with four or more steps are equipped with handrails?		
8	Carpets are well secured to the floor and free of frayed or worn seams?		
9	Chair casters (wheels) are secure and the rungs and legs of the chair are sturdy?		
10	Chair is adjustable?		
11	Your back is adequately supported by a backrest?		
12	Your feet are on the floor or adequately supported by a footrest?		
13	You have enough leg room at your desk?		
14	There is sufficient light for reading?		
15	The computer screen is free from noticeable glare?		
16	The top of the screen is at eye level?		
17	There is space to rest the arms while not keying?		
Fire Safety			
18	There is a working smoke detector in the workspace area?		
19	A home multi-use fire extinguisher, which you know how to use, is readily available?		
20	Walkways aisles, and doorways are unobstructed?		

21	Workspace is kept free of trash, clutter, and flammable liquids?		
22	All radiators and portable heaters are located away from flammable items?		
23	You have an evacuation plan so you know what to do in the event of a fire?		
Electrical Safety			
24	Sufficient electrical outlets are accessible?		
25	Computer equipment is connected to a surge protector?		
26	Electrical system is adequate for office equipment?		
27	All electrical plugs, cords, outlets, and panels are in good condition? No exposed/damaged wiring?		
28	Equipment is placed close to electrical outlets?		
29	Extension cords and power strips are not daisy chained and no permanent extension cord is in use?		
30	Equipment is turned off when not in use?		
Other Safety/Security Measures			
31	Files and data are secure?		
32	Materials and equipment are in a secure place that can be protected from damage and misuse?		
33	You have an inventory of all equipment in the office including serial numbers?		
34	If applicable, do you use up-to-date anti-virus software, keep virus definitions up-to-date, and run regular scans?		

Employee Signature:

Date:

Supervisor Signature:

Date:

Submit completed form to the OSA HR Office at HR@military.texas.gov

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TEXAS MILITARY DEPARTMENT

STATE EMPLOYEE
POLICIES & PROCEDURES
MANUAL
Number 1200.01

Appendix 2

State Systems Acceptable Use of Information (AUP) Policy

1 September 2023



TEXAS MILITARY DEPARTMENT
POST OFFICE BOX 5218 AUSTIN, TX 78763-5218
(512) 782-5001

MEMORANDUM FOR All Office of State Administration

SUBJECT: Information Technology (IT) Acceptable Use Policy (AUP) and User Responsibility Agreement Applicable to State-owned Resources

1. References. Department of Information Resources, Texas Administrative Code 202 (TAC 202).
2. Purpose. To promulgate policy regarding the authorized uses of State IT Resources within or under the control of the Office of State Administration (OSA) to ensure that information and computer systems are used responsibly, professionally, ethically, and legally.
3. Applicability. This policy applies to any person who in the course of their duties under the control of the Adjutant General of Texas, and with the approval of the State Information Resources Manager (IRM), accesses OSA IT Resources. Violations of this policy may result in disciplinary action which can include administrative punishment and/or criminal prosecution.
4. Definitions.

IT Resources covered under this AUP refer to all OSA State-owned or supported network and communications systems and devices. OSA IT Resources include, but are not limited to, host computers, file servers, application servers, mail servers, web servers, communications servers, workstations, stand-alone computers, laptop computers, agency state-issued cell phone devices, tablets, and all internal and external communications networks accessible directly or indirectly from the OSA computer network. OSA IT Resources refer to both classified and unclassified information processing and include both normal operating environments and emergency communications environments.

OSA

SUBJECT: Information Technology (IT) Acceptable Use Policy (AUP) and User Responsibility Agreement Applicable to State-owned Resources

a. Users refers to all assigned personnel at OSA, military or civilian, temporary workers, students, contracted employees, or any other authorized persons who use OSA`s IT Resources.

b. The OSA Information Security Officer (ISO) is responsible for the State Information Assurance (IA) program and Cyber Security of the State Information System (IS) within the State network environment (NE). OSA`s State ISO performs a variety of security related tasks including the development and implementation of system information security standards and procedures. The agency`s State ISO ensures that the State IS are functional and secure within the State NE.

c. Emergency Communications are normally utilized during an identified period of response to manmade and natural disasters.

d. Personally Identifiable Information (PII) is information that can be used on its own or with other information to identify, contact, or locate a single person, or to identify an individual in context. Criminals potentially can exploit PII to stalk or steal the identity of a person, or to aid in the planning of criminal acts. Examples of PII include but are not limited to Social Security Number (SSN), Date of Birth (DOB), Place of Birth, Mother`s Maiden Name, and biometric records.

5. Authorized Use of State IT Resources. OSA`s IT Resources are the property State of Texas and may be used only by authorized OSA personnel for approved purposes. Users are authorized access to their State computer system to assist them in the performance of their duties. Occasional limited personal use by authorized users may be permitted if the use does not:

- a. Interfere with the user's work performance;
- b. Interfere with any other user's work performance;
- c. Have undue impact on OSA's IT services, networking systems, information assurance, and communications (voice, video, data);
- d. Result in added costs to the agency; or
- e. Violate any other provision of this policy or TAC202 guidelines and regulations.

6. Monitoring. State-issued computers, computer accounts, and cell phones provided to users are to assist them in the performance of their duties. Login credentials are used to allow access to OSA computers by authorized users; they do not imply or ensure privacy. Users should have NO expectation of privacy, except as described below, in anything they create, store, send, or receive on a State Government Information System. The agency has the right, but not the duty, to monitor all aspects of its State-issued IT Resources, including, but not limited to, monitoring internet sites

OSA

SUBJECT: Information Technology (IT) Acceptable Use Policy (AUP) and User Responsibility Agreement Applicable to State-owned Resources employees visit, chat groups and news groups, material users download or upload, email (sent and received), and telecommunications.

7. Standard Mandatory Notice and Consent Provision for All State Information System User Agreements. (Enclosure I).

a. By signing the user agreement, the user acknowledges and consents that when accessing OSA's Information Systems, he or she is accessing a State Government Information System (which includes any device attached to this Information System) that is provided for State Government authorized use only.

b. The user consents to the following conditions:

(1) Department of Information Resources (DIR) and OSA ISO routinely intercepts and monitors data communications on this State Information System for purposes including, but not limited to, penetration testing, Communications Security (COMSEC) monitoring, network operations and defense.

(2) At any time, the OSA may inspect and seize data stored on this State Information System if fraudulent activity is detected.

(3) Communications using, or data stored on this State Information System are not private, are subject to routine monitoring, interception, and search, and may be disclosed or used for any agency authorized purpose.

(4) This State Information System includes security measures (e.g., authentication and access controls) to protect OSA's interests and is not for individual personal benefit.

c. Notwithstanding the above, using a State Information System does not constitute monitoring of the content of privileged communications or data (including work products) that are related to personal representation or services by attorneys. Under these circumstances, such communications and work products are private and confidential.

d. Nothing in this User Agreement shall be interpreted to limit the user's consent to, or in any other way restrict or affect OSA's actions for purposes of network administration, operation, protection, defense, or for communications security. This includes all communications and data on a State Information System, regardless of any applicable privilege or confidentiality.

e. The user consents to interception/capture and seizure of ALL communications and data for any authorized purpose (including personnel misconduct, law enforcement, fraud, and cyber-attack investigation). However, consent to interception/capture or seizure of communications is not consent for the investigator to use privileged communications for fraudulent purpose.

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SUBJECT: Information Technology (IT) Acceptable Use Policy (AUP) and User Responsibility Agreement Applicable to State-owned Resources

f. User data and information may be subject to release upon legal review in accordance with the State's Public Information Act or the federal Freedom of Information Act.

g. Whether any communication or data qualifies for the protection of a privilege, or is covered by a duty of confidentiality, is determined in accordance with established legal standards and OSA policy. Users are strongly encouraged to seek personal legal counsel on such matters before using a State Information System if the user intends to rely on the protections of a privilege or confidentiality.

h. Users should take reasonable steps to identify such communications or data that the user asserts are protected by any such privilege or confidentiality. However, the user's identification or assertion of a privilege or confidentiality is not sufficient to create such protection where none exists under established legal standards and OSA policy.

i. A user's failure to take reasonable steps to identify such communications or data as privileged or confidential does not waive the privilege or confidentiality if such protections otherwise exist under established legal standards and OSA policy. However, in such cases OSA is authorized to take reasonable actions to identify such communication or data as being subject to a privilege or confidentiality, and such actions do not negate any applicable privilege or confidentiality.

j. These conditions preserve the confidentiality of the communication or data, and the legal protections regarding the use and disclosure of privileged information, and thus such communications and data are private and confidential. Further, OSA shall take all reasonable measures to protect the content of captured/seized privileged communications and data to ensure they are appropriately protected.

k. In cases when the user has consented to content searching or monitoring of communications or data for personnel misconduct, cyber-attack, or fraud investigative searching, (i.e., for all communications and data other than privileged communications or data that are related to personal representation or services by attorneys), OSA may, solely at its discretion and in accordance with its policy, elect to apply a privilege or other restriction on OSA's otherwise-authorized use or disclosure of such information.

l. All the above conditions apply regardless of whether the access or use of a State Information System includes the display of a Notice and Consent Banner. When a banner is used, the banner functions to remind the user of the conditions that are set forth in this User Agreement, regardless of whether the banner describes these conditions in full detail, or provides a summary of such conditions, and regardless of whether the banner expressly references this User Agreement.

8. Prohibited Activities. Users of State-issued computers are prohibited from engaging in illegal, fraudulent, malicious, or inappropriate activities. Examples of these activities include, but are not limited to, the following:

a. Engaging in partisan political activity, political or religious lobbying, or

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SUBJECT: Information Technology (IT) Acceptable Use Policy (AUP) and User Responsibility Agreement Applicable to State-owned Resources
advocacy of activities on behalf of organizations having no affiliation with OSA.

- b. Using OSA computer resources for personal or commercial financial gain or solicitation of business services.
- c. Unauthorized fundraising—fundraising activities are governed by ethics regulations and are generally prohibited.
- d. Viewing, downloading, storing, transmitting, or copying materials that contain sexually explicit or sexually oriented images or text.
- e. Creating, copying, accessing, storing, processing, displaying, or distributing fraudulent, harassing, embarrassing, intimidating, defamatory or any other material that is intended to be offensive to any member or employee of OSA (for example, hate speech, material that ridicules others based on race, creed, religion, color, sex, disability, national origin, or sexual orientation).
- f. Obtaining, installing, reproducing, or distributing software and data in violation of intellectual property rights or license.
- g. Attaching personally owned hardware, e.g., tablets, cellphones, etc., to any State government computer network or to a State government-owned computer under the control of the OSA without the express written approval of the ISO or IRM; authorized OSA IT personnel will only complete installation if the ISO or IRM issues written approval.
- h. Copying OSA State-owned software for use on home computers. If there is a valid requirement to do so, IT staff will provide copies for authorized users to check out.
- i. Making any unauthorized alterations to any OSA automation system hardware by misusing local administrator privileges, to include changing any system option, setting or default.
- j. Creating, copying, or electronically transmitting chain letters. A chain letter is a message sent to several people asking each recipient to send copies with the same request to a specified number of addressees. A mass mailing is a message sent to many recipients, such as the TXALL address group, without any legitimate business purpose.

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SUBJECT: Information Technology (IT) Acceptable Use Policy (AUP) and User Responsibility Agreement Applicable to State-owned Resources

k. Performing acts that waste computer/network resources or unfairly monopolize these resources to the exclusion of others. These acts include sending or receiving large files; downloading or streaming music and video files, interactive games, or other large file attachments; subscribing to Internet services that automatically download information (sports scores, stock prices, or other continuous data streams such as music or videos); spending excessive amounts of time on the Internet for non-agency-related purposes; spending time on Facebook and other social media platforms. Any State-related technology that provides business collaboration or instant messaging capabilities will be approved through the ISO's office change control board management process.

l. Using OSA's IT Resources as a staging ground or platform to gain unauthorized access to other systems.

m. Incurring any network or phone charges for which OSA is liable, except for official purposes.

n. Providing copies of software to a third party.

o. Using shared drives (to include SharePoint) to store, maintain, or relay Privacy Act data (such as PII), unless the data is password protected and the folder within the shared drive has restricted access to those with a need-to-know authorization. Additionally, any release of OSA names or e-mail addresses to second or third parties may only be for official business and should be coordinated with the owner.

p. Installing software onto any OSA IT Resource without specific approval and authority to do so as approved by OSA ISO or IRM.

9. Password Security. All accounts will be authenticated using password, username, and multifactor authentication to identify the user. Passwords must comply with the length and content standards established at the time the account is created and will require regular updates to avoid automatic expiration. Frequency intervals of password changes are prescribed by OSA access control policy and cannot be waived. Users must never share passwords with anyone.

10. Removable Storage Media (CDs, DVDs, flash drive, etc.). All users must assess the risk of using removable storage media, apply appropriate controls and mitigate residual risk of compromising classified and/or sensitive information stored on removable media. These media have multiple uses, and their small size makes them very convenient and adaptable; however, recent events have proven that without proper safeguards, these devices can prove to be a sizable vulnerability to OSA's network and the information stored and moved therein. Removable media will be subject to additional security controls as mandated by the ISO. USB thumb drives and other USB storage devices are NOT authorized for use.

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SUBJECT: Information Technology (IT) Acceptable Use Policy (AUP) and User Responsibility Agreement Applicable to State-owned Resources

11. Data-at-Rest. Mobile computing devices will be encrypted utilizing the Microsoft BitLocker authorized encrypting software or as directed by the OSA's ISO and IRM.

12. Wireless Systems. Wireless systems provide a cost-effective solution for extending wired networks to remote areas. However, wireless systems also provide an easy means of hostile exploitation, such as when unauthorized wireless access points are installed.

a. Installation of wireless access points (stand alone or connected to OSA network) without prior approval from the IRM is strictly prohibited.

b. The ISO will periodically scan for wireless networks. Unauthorized wireless systems will be shut down and equipment confiscated.

c. Wireless networks must be secured utilizing encryption. Wireless systems will conform to appropriate best business practices and configured for a minimum of FIPS 140-2 encryption.

d. At no time will any access point be installed in offices as an extension to connect additional computers or printers to a State network without prior approval from the IRM.

e. Wireless networks must operate in conjunction with an approved wireless network security solution to reduce the likelihood of hostile exploitation of the OSA by rogue devices.

13. Peer-to-Peer (P2P) and Instant Messaging. Use of P2P and (non-OSA) Instant Messenger programs on OSA network is strictly prohibited. P2P places all network resources at risk due to file sharing use. Viruses, Trojan Malicious Code, and Spyware programs are often spread using these types of file sharing programs. No P2P file sharing is authorized for download, installation, or use on any State government system. Examples of this type of file sharing software include Kazaa, Morpheus, Gnutella, Grokster, Lime Wire, BearShare, Skype and other popular music/data sharing programs. Instant Messenger programs can bypass security protocols allowing an avenue of approach for malicious code. Examples of unauthorized Instant Messenger programs include AOL Instant Messenger (AIM) and Yahoo Instant Messenger.

14. User Responsibilities. Users are obligated to:

a. Protect and defend information and State Information Systems (SIS) by ensuring their confidentiality, integrity, availability, authentication, and non-repudiation. This includes providing for restoration of SIS by incorporating protection, detection, and reaction capabilities.

OSA

SUBJECT: Information Technology (IT) Acceptable Use Policy (AUP) and User Responsibility Agreement Applicable to State-owned Resources

- b. Protect hard copy information at the appropriate sensitivity level until reviewed for proper classification or sensitivity and control.
- c. Destroy information or media when required with appropriate approval from the ISO or such designated authority.
- d. Provide access to sensitive information after ensuring the parties have the proper authorization and need-to-know.
- e. Operate the SIS only in areas approved for the highest classification or sensitivity level of the information involved unless specific authorization has been received from the ISO and IRM to operate the computer in other areas.
- f. Never remove State computer or its hard drive from OSA facilities without specific approval of the supervisor and coordination with the IRM. In the case of laptop computers, a signed hand receipt must be on file with the issuing organization.
- g. Comply with the terms of software licenses and only use OSA licensed and authorized software.
- h. Use OSA systems for lawful, official use, and authorized purposes according to OSA guidelines.
- i. Use the e-mail system provided by OSA and within OSA guidelines. Limit distribution of e-mail to only those who need to receive it.
- j. Properly mark and label sensitive media according OSA policies. Ensure sensitive information is removed from hard disks that are sent out for maintenance.
- k. Activate screen-lock on the computer or log off when leaving the work area, and restart/log off computers at the end of each day.
- l. Complete an annual Information Assurance (IA) awareness training and provide proof of completion to the ISO. Annual training will be completed once every fiscal year.
- m. Annually read and acknowledge this Acceptable Use Policy.
- n. Sign logs, forms, and receipts as required/applicable for accomplishment of duties relating to the collection, use, transfer, or disposal of OSA information or SIS.
- o. Report known or suspected incidents immediately to the ISO either via-email, phone or service desk ticket and immediately report any evidence of tampering with the computer or its seals.

OSA

SUBJECT: Information Technology (IT) Acceptable Use Policy (AUP) and User Responsibility Agreement Applicable to State-owned Resources

- p. Notify the IRM when access to the computer is no longer needed, e.g., upon transfer, termination, leave of absence, or any period of extended non-use.
- q. Provide physical access to mobile devices (e.g., laptops) upon request for inspection for security purposes.
- r. Log off and maintain power to all State Information Systems to facilitate automated maintenance, patching and upgrading during non-business hours.

15. The Point of Contact for this memorandum is Frank Oduro, Information Resources Manager at 512-782-3317 or frank.oduro@military.texas.gov

Enclosure

Shelia. B. Taylor
Office of State Administration Director

OSA

SUBJECT: Information Technology (IT) Acceptable Use Policy (AUP) and User Responsibility Agreement Applicable to State-owned Resources

ACKNOWLEDGEMENT OF USER RESPONSIBILITY AGREEMENT

I understand when using any Office of State Administration`s (OSA) -owned Information System or communications device, I am personally accountable for my actions and must comply with the User Agreement. I understand the agreement is based on Federal/State laws, regulations, and OSA directives and policies. As such, I understand there are consequences for non-compliance of this Agreement. Depending on the severity of my violation and at the discretion of OSA leadership and through due process of the law, consequences can include suspension of access privileges, reprimand, suspension from work, demotion, removal, and/or criminal and civil penalties. I understand when using any OSA owned Information System or communications device, I am personally accountable for my actions and must comply with State of Texas and OSA policy.

I understand OSA`s Information Systems/Information Technology resources are not private, and I have no expectation of privacy when using OSA e resources. I understand OSA management has the right, within the guidelines listed above, to monitor, intercept, read, record, and copy information attributable to my access of these resources. Unless and until my management releases me in writing, I understand the conditions and obligations imposed upon me by this Agreement apply during the time I am granted access to OSA owned Information System or communications devices.

I acknowledge receipt of and understand my responsibilities and will comply with the Texas Military Department User Agreement.

Employee Signature

Date

Printed Name



TEXAS MILITARY DEPARTMENT

STATE EMPLOYEE
POLICIES & PROCEDURES
MANUAL
Number 1420.01

Appendix 3
TMD Manual 2020.1
State Asset Management
Program

1 September 2023



TMD MANUAL 2020.01

STATE ASSET MANAGEMENT PROGRAM

Originating Component: Office of the State Administration (OSA) for Texas Military Department

Effective: December 1, 2019

Releasability: Cleared for public release. Available on the TMD Issuances Website at <https://tmd.texas.gov/texas-military-department-policies-and-regulations>

Approved by: The Adjutant General

Official:

ANITA L. CANNADAY
OW5 AG USA
JL Assurance



TRACY R. NORRIS
Major General, TXARNG
Adjutant General

Purpose: In accordance with the authority of the Adjutant General for the Texas Military Department, this manual:

- Implements policy, assigns responsibilities, and provides direction for the state asset management program pursuant to the authority within state laws and requirements to ensure best practices are in compliance with governing property and vehicles.
- Takes precedence over any TMD OSA publications that contain conflicting guidance regarding state asset management program.

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Chapter 1 Introduction

1-1. Purpose

This SOP establishes the procedures for Texas Military Department (TMD) State Property Program and defines responsibilities for the conduct and oversight for request, issue, receipt, storage and accountability of state personal property. It implements guidance in accordance with listed references. For the purposes of this SOP, state property is defined as equipment, supplies, furniture and vehicles purchased through the state procurement process; or obtained through donations to TMD.

1-2. References

See enclosure A.

1-3. Applicability

This SOP applies to all components and programs of TMD that utilize state property, vehicles, or procurement procedures; or perform state asset management related activities/functions.

Chapter 2 Responsibilities

2-1. The Adjutant General

The Adjutant General is responsible for the following:

- a. Serves as head of the Texas Military Department and is responsible for the overall leadership, management, accountability and operations of TMD.
- b. Designates the Director of State Administration as the administrative head of state operations for state property accounting purposes.
- c. Acts through the Director of State Administration to ensure compliance with the state's applicable rules and requirements.

2-2. Director of State Administration

The Director of State Administration:

- a. Designates an Asset Manager in writing and performs administrative tasks, including completion of the Texas Comptroller of Public Accounts form 73-286, Notice of Agency Head and Designation of Property Manager Form.
- b. Is responsible for agency state property accounting and for ensuring that the

Asset Manager carries out duties prescribed by the Texas Comptroller of Public Account's (Comptroller) rules.

c. Provides the Asset Manager with copies of the rules and procedures, as well as other appropriate documentation and required resources for managing the agency's property as formulated by the Comptroller.

2-3. Asset Manager – State Personal Property

The Asset Manager:

a. Oversees all state property in the agency's possession and maintains required records; ensures all assets are entered correctly and updated in the agency's accounting systems.

b. Maintains current policies and procedures pertaining to state asset management and training.

c. Conducts quarterly state property training available to programs and State Property Coordinators. State Property Coordinators must attend at least one training per year.

d. Ensures a signed copy of the physical inventory conducted by TMD (items with current value of \$5,000 and above reimbursed in whole or in part by federal funds) is forwarded to the United States Property and Fiscal Office (USPFO) by August 25th of each calendar year.

e. Forwards the Certification of Physical Inventory Conducted by Agency Form (73-283) to the Comptroller of Public Accounts State Property Accounting System including a description of the method used to verify the inventory no later than 20 days after the last day of the state fiscal year (September 20th).

f. Entrusts property to a person only when the person signs and dates a hand receipt.

Note: The receipt must include a detailed list of the property entrusted to the individual, along with a statement about potential financial liability for loss/damage and negligence.

g. Is responsible for ensuring fleet managers are supported in implementing and enforcing the agency policies and guidelines.

h. Ensures the agency utilizes the most cost effective means available to maintain agency fleet vehicles including, but not limited to, agency contracted service locations.

i. Performs review of reported inappropriate usages of state vehicles.

j. Ensures the Fleet Manager and Vehicle Coordinators properly train employees and are knowledgeable about the Office of Vehicle Fleet Management (OVFM) and agency guidelines.

k. Approves fleet assessment evaluation reports.

2-4. Fleet Manager

The Fleet Manager is responsible for reporting vehicle use data, responding to queries about the agency's fleet, preparing waiver requests, and conducting any other applicable business with OVFM. The Fleet Manager:

a. Is responsible for observing and enforcing statewide fleet management policies and procedures at the agency level and preparing a fleet assessment evaluation report.

b. Assists the Asset Manager in making fleet management decisions within OVFM guidelines, including, but not limited to:

(1) Vehicle purchase decisions.

(2) Vehicle replacement decisions.

(3) Preventive maintenance decisions.

(4) Repair decisions.

(5) Vehicle assignment and use decisions.

(6) Disposal decisions.

c. Ensures an efficient program to properly maintain and repair state fleet vehicles as necessary to keep fleet vehicles in working condition. Proper maintenance and repair of vehicles includes the following:

(1) Scheduled/Preventive Maintenance – will maintain a scheduled/preventive maintenance schedule for all vehicles in accordance with manufacturer's recommended service intervals and will coordinate scheduled/preventive services to those vehicles.

(2) Warranty Service – will maintain warranty information on all vehicles and coordinate all warranty service required during the life of each vehicle warranty.

(3) Unscheduled Maintenance and Repair Services – will coordinate service for all vehicles in cases of unscheduled breakdown or in cases where the vehicle requires repairs due to collision.

d. Facilitates annual training on vehicle use, rules, and policies, accident reporting

procedures, emergency contact telephone numbers, OVFM guidelines, and penalties for violations of agency policies.

2-5. Program Manager

Program Manager is responsible for ensuring that all state property issued to program staff or subordinates is properly used, maintained and secured. The Program Manager:

- a. Designates state property and vehicle or fleet coordinators for each site or location, with responsibility to complete property transactions and maintain property accountability. Designations must be on file with the Asset Manager.
- b. Ensures all state property is further sub-hand receipted down to the user and inventories are conducted quarterly and reported to the Asset Manager.
- c. Ensures all employees entrusted with state property understand their responsibilities for the proper use, safekeeping and maintenance of that property.
- d. Approves all property book adjustments to include turn-in and transfers to the Asset Manager.
- e. Completes and submits quarterly physical inventories (November, February, May and August) to the Asset Manager.

2-6. Supervisors

Supervisory responsibility for property is inherent in all supervisory positions. Responsibility is not contingent upon signed receipts or responsibility statements. The responsibility arises by assignment to a supervisory position. Supervisors are expected to ensure all state property issued to, or used by staff, is properly accounted for and used only for state purposes.

2-7. State Property Coordinator

State Property Coordinators:

- a. Entrust the care or use of property to a person only when the person has a signed and dated hand receipt which includes item, description, tag/serial numbers and location.
- b. Exercise reasonable and prudent actions to help ensure proper custody, safekeeping and disposition of the property provided.
- c. Have knowledge of the location all property assigned to them.
- d. Track all program property regardless of price.

e. Conduct the quarterly physical inventory of state property and send the completed inventory verification statement to the Asset Manager.

f. Complete property book adjustments to include disposals, transfers and auctions.

2-8. Hand Receipt Holder

Hand receipt holders:

a. Utilize state property only for TMD business.

b. Exercise reasonable and prudent actions to properly use, maintain and safeguard all state personal property in his or her possession.

c. Must produce or locate assigned property upon request.

d. Maintain control of the assigned property. Hand receipt holders may not loan, transfer or dispose of property without proper authorization from the Asset Manager.

2-9. Vehicle Coordinator

Vehicle Coordinators:

a. Properly maintain documentation for vehicle use, maintenance and driver qualifications.

b. Maintain a scheduled/preventive maintenance schedule for all vehicles in accordance with manufacturer's recommended service intervals and coordinate scheduled/preventive services to those vehicles.

c. Ensure all monthly mileage reports are turned into the Fleet Manager no later than the 7th of each month.

d. Conduct training to ensure that all employees are properly licensed and qualified to operate state owned vehicles.

e. Ensures drivers complete 4 hours of driver safety training biennially.

Chapter 3 Personal Property

3-1. Capital and Controlled Assets

a. Capital assets are real or personal property that have an estimated life of greater than one year or a monetary value greater than \$5,000.00.

- b. Improvements or additions made (to existing personal property) will be capitalized if they meet the capitalization threshold.
- c. The inventory data is entered into the State Property Accounting System (SPA)/(CAPPS) on a weekly basis.
- d. Capitalized assets are reported in TMD's annual financial report.
- e. Assets with component parts will be tracked in CAPPS using the Parent/Child relationship.
- f. A **locally controlled asset** is a capital asset that has a value less than the capitalization threshold established for that asset type; however, due to its high-risk nature, it is required to be reported to SPA.
- g. Controlled assets are property classes that the Comptroller and TMD require programs to report. The list below identifies Controlled & Local Controlled assets.

(1) Controlled

- a) Weapons
- b) Chemical Detection Equipment
- c) Radios
- d) Vehicles
- e) Golf Carts (or similar vehicles, e.g., UTVs)
- f) Lawn Equipment
- g) Computers
- h) Printers
- i) Monitors
- j) Power Tools
- k) Air Compressors/Generators
- l) Projectors
- m) Cameras

- n) Electronics
 - o) Optics
 - p) Portable Buildings
 - q) Drones
 - r) Modular Furniture and Office Equipment
- (2) Other items as identified by the Asset Manager
- a) Locally Controlled (\$500.00 to \$4,999.99)
 - b) Stereo Systems
 - c) Appliances
 - d) Cellular Telephones

3-2. Reporting Property

- a. SPA data entries will be obtained from TMD purchase orders (POs). POs will identify program property, cost, location, and funding source.
- b. Asset description data will be obtained from the SPA Class /Commodity Codes listing that best describe the assets.
- c. The Asset Manager will review new monthly asset reports and conduct quarterly reconciliation with Accounts Payable to ensure all applicable property and equipment is properly entered in SPA.

3-3. Condition of Property

- a. Programs should use the definitions below to determine the item condition and indicate the updated condition code on the quarterly inventory or at the time the property is surplus or salvaged.
- b. Condition Codes
 - (1) New – Newly acquired.
 - (2) Good – Gently used or reconditioned property.
 - (3) Fair – Property that is soiled, shopworn, rusted, mildewed, deteriorated or

damaged to the extent that utility is slightly impaired. Repaired or renovated/reconditioned property that has deteriorated and needs or may need additional repair or renovation soon.

(4) Poor – Property so badly broken, soiled, rusted, mildewed, deteriorated or renovated but has since seriously deteriorated due to factors such as major wear and tear, corrosion or exposure to weather.

3-4. Property Tagging

a. Each item of capitalized or controlled property (excluding real property) procured by TMD with state funds must be assigned a numbered asset tag. The tag will include text designating the item as “State Property” of the “Texas Military Department” and will include a unique property inventory number. Property tag numbers will begin with the last two numbers of the fiscal year and four-digit numbers.

b. The Asset Manager may not reuse a previously assigned property number.

c. Asset tags must be highly visible; markings are considered acceptable when a label cannot be removed without considerable or intentional means. Stencils/Engravers can be used to mark outdoor equipment/tools provided the ink is permanent.

d. The Asset Manager will distribute tags upon notification by requestors that items have been delivered. Tags will be verified during internal audits and inventories. Old/missing tags will be replaced and removed as needed.

e. Items not controlled or capitalized do not require an asset tag with a unique identifying number; however, a program may at its discretion mark these items with an unnumbered tag designating the item as “State Property” of the “Texas Military Department.” All furniture not controlled or capitalized must have the unnumbered tag.

3-5. Received Property

a. When personal property is delivered, the receiver informs the State Property Coordinator, who must then request an asset tag from the Asset Manager. Assignment of an asset tag number and entry in CAPPs is required before an invoice for the property may be processed for payment.

b. The program’s State Property Coordinator must send a completed copy of the Asset Tag Request Form (TMDAM 3-1), Enclosure B, to the Asset Manager with the following sections filled out:

(1) Purchase Order Number

(2) Program

- (3) Item description (to include component listing)
- (4) Quantity
- (5) Serial number
- (6) Identification of hand receipt holder and location

3-6. Storage

- a. Units/Programs are responsible for ensuring that property is stored in a manner that is most likely to prevent theft, loss, damage, or misuse.
- b. Each Unit/Program must take all necessary precautions to secure property. Computer software should be stored in climate-controlled areas only.
- c. Property Coordinators are responsible for all assigned property listed in their possession; must have a method for locating any inventory item; and must be able to produce or locate a given property item upon request.

3-7. Surplus Property New or Used

- a. Surplus property is any personal property that exceeds TMD's needs and that is not required for a foreseeable need.
- b. Surplus property may be new or used but must have additional useful life. Employees may not loan, transfer or dispose of surplus property without proper documented authorization.
- c. Units/programs must notify the Asset Manager to turn-in surplus property by submitting a completed TMD Property Turn in Form (TMDAM 7-1), Enclosure C.
- d. Surplus property must be offered to other TMD unit/programs first. If no other TMD unit/programs requests the property, the surplus property must then be made available to other Texas state agencies, political subdivisions and assistance organizations before it can be auctioned to the public.
- e. Surplus property will be advertised on the Texas Facilities Commission (TFC) web site for 10 days beginning on the advertisement date indicated by the Asset Manager. During these days, another state agency has priority over any other entity to buy the property.

3-8. Auctions

- a. Once property has been listed for 10 days as described in 3-7e., the State

Property Coordinator may auction it at the program location. The State Property Coordinator must request the Auction Request Form from the Asset Manager. The State Property Coordinator also must identify two days on which the property will be available for viewing when submitting the Auction Request Form to the Asset Manager.

b. Customers picking up auction property should provide the listed POC(s) a VALID government issued picture I.D. (name on the I.D. must match the name of the winning bidder on the paid receipt). The assigned POC(s) should make a copy of the picture I.D. on the emailed auction receipt provided by the auctioneer.

c. The State Property Coordinator will have the winning bidder sign directly under their license that was copied onto the receipt. Send all signed receipts to the Asset Manager.

d. If someone other than the winning bidder requests to pick up an auction lot won, an email MUST be sent from the email address listed on file with Lone Star Auctioneers and should be sent to auctions@tfc.state.tx.us prior to removal. This email address can be found in the upper left-hand corner of the issued paid receipt. Within the email, the buyer listed on the paid receipt MUST include the name of the SELLER, LOCATION, LOT NUMBER, and the FIRST and LAST NAME of the person who will be picking up.

e. This email will serve as the buyer's official release authorization and the person picking up will be required to present a VALID government issued picture ID and signature before anything can be removed.

3-9. Transfer Property Capitalized or Controlled

a. The Asset Manager must approve all equipment transfers in writing.

b. Equipment transfers occur when a capitalized or controlled item is either switched between accounts, or departments, or sent to surplus, and a Lateral Transfer form (TMDAM 6-1), Enclosure D, must be completed.

3-10. Salvage Property Cannibalization or Disposal

a. Removal of components from one item of property for installation on another item of property to return an item to service is authorized by Texas Comptroller of Public Accounts Policy.

b. Salvage property is property that through use, time or accident becomes depleted, worn out, damaged or obsolete and can no longer serve the purpose for which it was originally intended can be cannibalized or disposed of.

c. Any salvaged property can be sold using auction process.

d. Prior granted authorization to cannibalize or dispose of salvage property must be documented by the Asset Manager.

e. The unit or program representative must submit a written request on a TMD Personal Property Turn In Form (TMDAM 7-1), Enclosure C, to cannibalize a property item or to send the remains of the property to the holding area for scrap or destruction. Hazardous and scrap metal turn-ins must be checked and coordinated through the environmental recycle department. The Asset Manager will not authorize cannibalized items to be reported as surplus property.

3-11. Furniture and Equipment

a. Unit/Programs will track all furniture, including modular furniture, for insurance and accountability purposes. Furniture and equipment paid for by the state or jointly with other government entities will be capitalized by the entity responsible for future maintenance if ownership cannot be determined.

b. Turn in of office furniture and equipment will be on a TMD Property Turn in Form (TMDAM 7-1) Enclosure C. The Asset Manager will verify furniture and equipment status as soon as practicable upon receipt of the turn in form. Serviceable, unclaimed items will be transferred, turned in to the Austin State Surplus Store or sold. Printer cartridges, toner, and hazards material will be turned in through the Environmental Recycle Department. Units or sections are responsible for storage until turn-in appointments are arranged.

3-12. Disaster Procurement Procedure

a. If the Governor, by executive order or proclamation, declares a disaster, the contracting and procurement statutes and rules are suspended. If this occurs a purchase made under suspension of the rules must clearly identify the declared disaster and conform to the directives of the disaster declaration.

b. All asset requests either controlled or capitalized that have been routed through the J4 (Logistics) will be transferred to the State Asset Management Office for approval and procurement.

c. The procurement file, at a minimum, must contain a copy of the disaster declaration, documentation to support the purchase, receipt of goods or services, and approval of the payment.

Chapter 4 Inventories

4-1. Inventories Conducting Inventories

- a. The Asset Manager must submit the state annual physical inventory by June 1.
- b. The State Property Coordinators must conduct the quarterly inventory of state property and send the completed inventory verification statement to the Asset Manager.
- c. The Asset Manager or designee will conduct quarterly inventories of each program to verify asset descriptions, condition, property number, location and accountability.
- d. The Asset Manager will use the Bar Code or Independent Manual method for inventories.

4-2. Lost, Damaged or Stolen – Employee Negligence

a. If the head or Asset Manager of a state agency has reasonable cause to believe that any property in the agency's possession has been stolen, the head of the agency or Asset Manager must report the theft to the Comptroller's Office, Office of the Attorney General (OAG) and the appropriate law enforcement agency.

(1) Stolen property should be reported to the appropriate law enforcement agency within **48 hours** of the employee realizing the property has been stolen and within **72 hours** to the OAG.

(2) In addition, the program State Property Coordinator must fill out a Missing, Damaged or Stolen Property Report Form (74-194), Enclosure E, and send all documentation to the Asset Manager as soon as possible.

(3) If the property is not located within two years from the date the property was reported missing, the property must be deleted from SPA.

b. The OAG may investigate a report received for negligence or theft. If the investigation reveals that a property loss occurred through the negligence of a state official or employee, the OAG may make a written demand of the official or employee for reimbursement of the loss.

(1) If the demand is refused or disregarded, the OAG may take legal action to recover the value of the property, as that office deems necessary.

(2) The OAG determines the value to be recovered based on the market value of the property and the degree of responsibility of the person who was entrusted.

c. TMD may take disciplinary action up to and including termination as warranted and may also seek reimbursement from the employee of funds for lost, damaged or stolen property.

4-3. Missing or Damaged Property—No Employee Negligence

In the absence of a negligence finding, the hand receipt holder still must complete the following forms and send them to the Asset Manager:

- a. Missing, Damaged or Stolen Property Report Form (74-194), Enclosure E, for lost or missing property.
- b. TMD Personal Property Turn In Form (TMDAM 7-1), Enclosure C, for damaged property.

Note: While accidents may occur, repeated instances of damaged or misplaced equipment or property may be considered a failure to exercise due care and may result in appropriate disciplinary action based on the facts and circumstances involved.

4-4. Unserviceable Property

- a. When personal property becomes damaged/unserviceable, or shelf life has expired, the hand receipt holder will notify the Asset Manager by completing a TMD Personal Property Turn In Form (TMDAM 7-1), Enclosure C, taking photos and requesting an appointment for turn in. Once the Asset Manager verifies documentation, a decision is made on the method of disposal or process through the Texas Facilities Commission (TFC).
- b. Hazardous items will be turned in through the Environmental Recycle department.
- c. Computers containing classified information on hard drives must be wiped or hole punched before turn in. Mice, cables and broken parts will be boxed. Printers, monitors, and computers must be palletized and wrapped in plastic in stacks no more than four feet high. A technical inspection must be performed on vehicles and trailers to determine condition before turning in or sales can be arranged. All TMD decals must be removed.

4-5. Internal Audits

- a. The Asset Manager or designee will conduct annual internal audits of every unit/program. Audit findings will be documented and briefed to the Program Manager.
- b. Random audits can be conducted at any time at the discretion of the Director of State Administration, Asset Manager and/or Program Managers.

4-6. Record Retention

- a. Property/inventory records will be maintained for a period not less than three fiscal years after the disposal of property.
- b. In instances where both federal record retention guidelines and state record

retentions guidelines apply, the greater of the two will be enforced.

c. Asset Manager ensures a signed copy of the physical inventory conducted by TMD (items with current value of \$5,000 and above reimbursed in whole or in part by federal funds) is sent to the United States Property and Fiscal Office (USPFO) by August 25th of each calendar year.

d. Asset Manager must forward the Certification of Physical Inventory Conducted by Agency Form (73-283) to the Comptroller of Public Accounts State Property Accounting System (SPA) including a description of the method used to verify the inventory no later than 20 days after the last day of the state fiscal year (September 20).

e. Asset Manager or Program Supervisor entrusts property to a program/person only when the program/person signs and dates a hand receipt. The receipt must include a detailed list of the property entrusted to the individual, along with a statement about potential financial liability for loss/damage and negligence.

Chapter 5

Jointly Funded/Additionally Sourced Property

5-1. Cooperative Agreements

a. Equipment Use, Accountability and Disposition

(1) All purchases made through the Office of State Administration are considered state property and must adhere to Texas Military Department State Asset Management Program SOP.

(2) Property records are reported to USPFO concerning federal participation. Reports will include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

(3) Disposition. When original or replacement equipment is no longer needed by a Cooperative Agreement supported program, the priority will be to move the equipment to another federally supported Cooperative Agreement. Otherwise disposition of the equipment will be as follows:

a) Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to National Guard Bureau (NGB).

b) Items of equipment with a current per unit fair market value more than \$5,000 may be retained or sold or disposed of. If sold, the NGB / USPFO shall have a

right to an amount calculated by multiplying the current market value or proceeds from sale by NGB/USPFO'S share of the equipment.

c) Federal/state employees, having written permission from the Adjutant General or Director of State Administration, are authorized to sign for/maintain records and operate federal/state owned/leased equipment (e.g., federal equipment, federal vehicles) while performing official duties in support of Cooperative Agreements. Employees shall be properly trained, qualified and licensed to operate the equipment in accordance with applicable state and agency directives.

d) State property will be recorded in SPA. Any loss, damage or theft of state property shall be investigated and reported to the Comptroller by the Asset Manager. Programs or, in some instances, employees will reimburse the state if loss/damage/theft was caused by employee negligence. Each program/unit shall conduct an annual physical inventory of the **trust, capitalized and controlled personal** property (excluding libraries and historical arts and treasures) in the agency's possession.

e) The physical inventory must be completed by June 1 and results reconciled with the previous year property records.

5-2. Gifts/Donations

a. All gifts/donations of personal property must be documented and reported to the Asset Manager within 10 business days for determination whether the item(s) is (are) required to be tracked on state property books. Donations of property from individuals or agencies with an appraised value of more than \$5,000 must be approved by the Adjutant General or Director of State Administration before the donation is accepted.

b. Property purchased with unit funds is considered State Property. Once property is purchased with unit funds, the State Property Coordinator must fill out the Asset Tag Request Form (TMDAM 3-1), Enclosure B, and send to the Asset Manager. The Asset Manager must review and approve all disposals to ensure compliance.

5-3. Grants

Equipment Use, Accountability and Disposition

a. Criminal Justice Division and Homeland Security Grant Division require each grantee to maintain on file a current inventory report with property records for all equipment and state-controlled assets and items capitalized, and/or purchased with grant funds during the grant period. The following elements must be included within the property records: description of the property; serial number or other ID number; source of funding including the Office of the Governor (OOG) issued grant number and the Federal Award Identification Number (FAIN), if applicable; who holds title; acquisition date; cost of property; percentage of the property's cost paid with grant funds; location; use and condition; and disposition data, including the date of disposal and sale price (or fair market value if item is not sold). A physical inventory of the property must be taken,

and the results reconciled with the property records as least once every two years.

b. The Program using the grant funds must implement a control system consistent with this SOP to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated. Adequate maintenance procedures also must be implemented to keep the property in good condition.

c. When equipment acquired under an award is no longer needed for the original project or program or for other activities supported by the federal awarding agency (or for state funds from the OOG), the grantee may need to request disposition instructions from the OOG. Items with a current per unit fair market value of \$5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to the federal awarding agency or OOG. Refer to the Equipment Disposition Request form to determine whether additional actions are required for items with a current per unit fair market value above \$5,000.

Chapter 6 Fleet

6-1. Operator Guidelines

TMD Employees:

- a. Shall be properly trained, qualified and licensed to operate state vehicles.
- b. Must have a current Texas driver license and complete 4 hours of driver safety training biennially.
- c. Will be screened annually by the Fleet Manager through the Texas Department of Public Safety (TxDPS) for driving violations and license status.
- d. Cannot assign vehicles to an employee without written authorization from the TAG or Director of State Administration.
- e. Must log all fuel oil and mileage used daily. All vehicle log sheets must be turned in to the Asset Manager at the end of each month, no later than the 7th of the subsequent month.
- f. Must complete Operator Vehicle Inspection forms daily or weekly as indicated on the form and turned in at the end of each month along with the mileage reports.
- g. Must follow all traffic laws and report all traffic violations received while operating a state-owned vehicle.
- h. Must follow the accident reporting procedure when involved in an accident.

i. Must not engage in misuse of state vehicles as defined in the State Appropriation Bill which states that no employee of any state agency shall use any state-owned vehicle except on official business of the state and such employees are expressly prohibited from using such vehicles in connection with any political campaign or any personal or recreational activity.

j. Must maintain an acceptable driving record and always follow all vehicle and personnel safety policies. Failure to adhere to these policies may result in disciplinary action to include the suspension of the privilege of operating state vehicles and the delay or denial of financial reimbursement.

k. Must complete annual training on vehicle use rules and policies, accident reporting procedures, emergency contact telephone numbers, penalties for violations of agency policies and all the operator guidelines listed above.

l. Must not use nicotine (dipping, smoking, vaping) in vehicles of any type. Consumption of alcohol or illegal drugs while operating equipment, or operating equipment while under the influence of illegal drugs or alcohol is prohibited.

m. Texas State Guard members who are full time TMD state employees or temporary state employees on State Active Duty orders are also authorized to operate state owned/leased equipment in accordance with requirements in this SOP.

6-2. Vehicle Condition and Appearance

a. TMD vehicles will be maintained in accordance with manufacturer's specification.

b. Vehicle appearance will be maintained in such a manner that represents the agency as a conscientious custodian of its property.

6-3. State Vehicle Inspection/Registration

All state fleet vehicles will be inspected and registered in accordance with state requirements and all fleet vehicles must maintain current state vehicle registration stickers.

6-4. Vehicle Recall Notices

Recall notices will be sent to the appropriate Vehicle Coordinator. It is the responsibility of the Coordinator to ensure that the vehicle is serviced as soon as possible.

Chapter 7

Fuel

7-1. Vehicle Fueling

TMD will utilize the most cost-effective means available to procure fuel for fleet vehicles including, but not limited to, agency managed bulk fuel locations, other state or local government managed fuel locations, or retail fuel establishments which accept the state fuel card. TMD employees will use self-service islands when refueling at retail fueling stations; and use regular unleaded gasoline unless specifically prohibited by the manufacturer warranty.

7-2. Fuel Card Use

a. Fuel cards will be issued for specific vehicles, not for individual drivers. TMD does not allow use of state fuel credit cards to fuel privately owned vehicles being used for official business. Fuel cards will only be used to pay for minor issues under three hundred dollars. A periodic carwash is permitted using the fuel card.

b. Each driver who has completed the required training will have a unique pin number to enter when making any fuel or maintenance purchase. The pin number is a combination of the last 2 digits of the driver's birth year and last 4 digits of his or her driver license number.

c. For Voyager Pin # access, resets or issues please contact (512) 782-1344, cell (512) 568-44569, or tmdassets@military.texas.gov

7-3. Alternative Fuels

a. In accordance with state statute, use alternative fuels whenever necessary to fuel fleet vehicles. Alternative fuels include compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, or ethanol.

b. TMD is currently exempt from the statutory requirement for state agencies to maintain a minimum of 25% of eligible fleet as alternative fuel capable.

Chapter 8 State Vehicles and Trailers

8-1. Vehicle Preparation

a. Inspection

The following safety measures should be taken before operating any TMD State vehicle:

- (1) The driver must ensure it is in proper operating condition.
- (2) Check emergency equipment such as first-aid kits, fire extinguisher, flares, jack and tools.

(3) Repair or replace any equipment found missing or defective immediately and report the issue to the Vehicle Coordinator.

(4) Inspect every TMD vehicle Daily or Weekly as required on the Operator Vehicle Inspection Form, Enclosure F.

b. Equipment

(1) All TMD vehicles shall be equipped with one first-aid kit.

(2) Each vehicle shall have an emergency road side kit. Vehicles shall be equipped with a fire extinguisher. It is recommended that it be at least a minimum of: One – BC Class 5 lb. fire extinguisher.

8-2. Towing

Employees will not tow privately owned trailers with state vehicles unless in the pursuit of official state business; to do so is outside the expected scope of one's job, thus the employee assumes all liability. This does not apply to state leased or rented trailers. Privately owned vehicles will not tow state-owned trailers unless in the pursuit of official state business.

8-3. Roadside Assistance and Accident Reporting

a. When operating a state vehicle and in need of roadside assistance, call 1-800-525-5555. Vehicle Coordinators needing procedures for coordination and management of insurance claims for fleet vehicles involved in accidents are to contact the State Office of Risk Management (SORM.)

b. If an accident involving an agency owned or rental vehicle has just occurred, take any emergency actions necessary and follow the steps below:

(1) Call 911 immediately so an official accident report will be prepared. Inform 911 of serious injuries that could require emergency equipment/personnel to be dispatched to the scene.

(2) Notify supervisor after calling 911. If supervisor cannot be reached, please notify the following:

a) Texas Military Department Asset Management Office (512) 782-6983 or (512) 660-2880.

(3) Obtain the information needed to complete the Automobile Accident Report (#), Enclosure G, and the Missing, Damaged or Stolen Property Report Form (74-194), Enclosure E, and return to the State Property Office, tmdassets@military.texas.gov, within 24 hours.

(4) Provide the state agency automobile insurance ID card to the police.

8-4. Maintenance

Programs are required to properly maintain and repair state fleet vehicles as necessary to keep fleet vehicles in proper working condition.

a. Proper maintenance and repair of vehicles includes the following:

(1) Scheduled/Preventive Maintenance – Program Vehicle Coordinators will maintain a scheduled/preventive maintenance schedule for all vehicles in accordance with manufacturer’s recommended service intervals and will coordinate scheduled/preventive services to those vehicles.

(2) Warranty Service – Program Vehicle Coordinators will maintain warranty information on all vehicles and coordinate all warranty service required during the life of each vehicle warranty.

(3) Unscheduled Maintenance and Repair Services – Program Vehicle Coordinators will coordinate service for all vehicles in cases of unscheduled breakdown or in cases where the vehicle requires repairs due to collision.

b. TMD will utilize the most cost effective means available to maintain agency fleet vehicles including, but not limited to, agency managed maintenance shops, other state or local government managed maintenance shops, retail maintenance facilities or state or agency contracted service locations.

8-5. Vehicle Equipment

a. Program Vehicle Coordinators will include drivers’ manuals with each vehicle containing the following:

(1) Proof of insurance statement.

(2) Vehicle use rules or policies.

(3) Accident reporting procedures, emergency contact telephone numbers, and tire gauge.

8-6. Fleet Reporting

a. The Fleet Manager must report complete vehicle information through Texas Fleet System (TxFS) in compliance with Texas Government Code 2171.101. TxFS serves as the state’s official record of state vehicle data.

b. It is critical that all monthly data from the vehicle reports be entered in a timely

manner. Program Vehicle Coordinators will submit all required reports to the Fleet Manager by the 7th of every month or the previous working day if it falls on a weekend or holiday. All reports are due by the Fleet Manager to the OVFM by the 10th of each month. The OVFM will conduct periodic audits of the agency fleet operations to verify compliance.

c. TMD will conduct a Fleet Assessment Evaluation annually and adjust the operational fleet size as required. The size of the agency fleet is capped. The agency will replace vehicles on a one-for-one basis. The replacement cycle will reflect the vehicle replacement plan submitted by each section and will be based on vehicle age, mileage, total cost repair and use. Final approval for fleet size increases will require Adjutant General approval.

d. A justification report must be submitted to OVFM to support the need to increase the operational fleet. The Fleet Manager will provide the report by 1 August for review by the Director of State Administration. TMD will submit the report to OVFM by 1 October.

e. The fleet assessment report is based on the following:

- (1) Vehicle needs and size.
- (2) Disposal of existing vehicles.
- (3) Need for new fleet vehicles.
- (4) Analysis performed and recommendations from Fleet Management personnel.
- (5) Short and long-term replacement needs to prevent or eliminate backlogs.
- (6) Justification information for OVFM review will include, but is not limited to:
 - a) How does the vehicle help accomplish the core mission of the agency?
 - b) What services are provided through the use of the vehicle?
 - c) What is the primary function of the vehicle and how does this relate to the core function of the agency?
 - d) Is the vehicle campus or complex bound? If so, how many trips per day, or a day per month is the vehicle used? How many passengers per month are carried? How many trips per month are logged?
 - e) What is the cost to rent a comparable vehicle for the same number of days or trips compared to the cost of ownership?

(7) Any waivers submitted for individual vehicles will be based on justification of mission needs.

8-7. Replacement Guidelines

The following guidelines provide criteria for routine vehicle replacement:

- a. Passenger vehicles should be evaluated for replacement when they reach nine (9) years of service and 100,000 accrued miles.
- b. Cargo vehicles should be replaced when they reach 10 years of service and accrue 110,000 miles.
- c. The Fleet Manager, with the concurrence of the Adjutant General or the Director of State Administration, may make exceptions to the replacement guidelines on a case-by-case basis and for good cause. For example, vehicles may be replaced sooner if they incur excessive maintenance or repair costs or may be retained longer if they have unusually low maintenance costs.

8-8. Acquisitions

Options for acquisitions include:

- a. Purchase through term contract or other approved method, purchase of surplus, seized vehicles or acceptance of a donated vehicle.
- b. The Statewide Procurement Division (SPD) maintains term contracts for fleet vehicles of all kinds including automobiles, law enforcement vehicles, trucks, and dump trucks. TMD will work closely with SPD in acquiring fleet vehicles to be sure the agency receives the best value for the vehicle it acquires.
- c. Other alternatives to consider in vehicle acquisitions include:
 - (1) Leasing of vehicles:
 - a) Programs should perform a detailed buy-versus-lease study prior to entering into a lease arrangement to ensure the most cost-effective method of acquisition is utilized.
 - b) Vehicles leased by Programs are subject to all data collection and use requirements of the plan.
 - c) Exceptions may be granted through waivers approved by OVFM if other than appropriated funds are used for the lease.

- (2) Rental of vehicles:

- a) TMD will use rental vehicles only to meet temporary, short term, or seasonal requirements.
- b) Programs will consider vehicle acquisition if the requirement for transportation is ongoing.
- c) Vehicles rented by the agency for short term requirements (generally shorter than one month or for a specific requirement, e.g. contingency operations) are not subject to data collection and plan requirements
- d) TMD will use utility carts instead of licensed vehicles when appropriate. Utility or golf cart type vehicles can be useful instead of trucks or other licensed vehicles when used exclusively in campus or complex environments.
- d. All newly acquired vehicles will be delivered to the State Asset Management Office. All vehicles will be outfitted with fuel cards, registration, license plates and agency decals before reaching their intended programs.

8-9. Disposal of State Vehicles

- a. Vehicles shall be disposed through standard state surplus and salvage property disposal means as directed by Texas Government Code, Chapter 2175.
- b. The Fleet Manager will document disposal of vehicles in TxFS using the vehicle status code.
- c. A leased vehicle is not subject to these requirements at the termination of the lease period because it is not a purchased and capitalized asset.

CHAPTER 9 Toll Roads

9-1. Requesting a Toll Tag

- a. A purchase requisition request must be submitted in CAPPS; it must include a list of all vehicles with the make, model, year and license plate number included for the toll account. Vehicle Coordinators must request the TxTag Enrollment Form from the Asset Manager to add vehicles to a new or existing account.
- b. After the requisition request has been processed and a purchase order issued, the Fleet Manager will contact TxTag to establish an account or make any updates needed. The Fleet Manager will receive all toll tags and issue them to the Vehicle Coordinators.
- c. Vehicle Coordinators must ensure that the toll tags are placed on the vehicle within 72 hours of receipt.

9-2. Toll Tag Management

- a. Vehicle Coordinators must work with the Program Managers to estimate usage requirements for each state or federal fiscal year as applicable.
- b. A purchase requisition request will be submitted through the Vehicle Coordinator for the estimated usage amount.
- c. Vehicle Coordinators must monitor their program's TxTag account monthly to ensure their purchase requisition will be enough for program needs.
- d. If additional funds are required, a new requisition must be submitted prior to the depletion of 75 percent of the original purchase order total.

9-3. Vehicle Cancellation

- a. To remove a vehicle from the toll tag account a memo must be submitted to the Fleet Manger with an explanation and list of the make, model, year and license plate number(s).
- b. The Fleet Manager will remove the vehicle(s) from the Toll Tag account and contact the OSA purchaser to modify the purchase order.

Enclosure A
References

1. Comptroller of Public Accounts (Comptroller)
2. State Property Accounting (SPA) User's Guide,
3. Comptroller Rules (34 Texas Administrative Code §5.2 (State Property Accounting System)
4. National Guard Regulation 5-1, (May 2010)
5. 2 CFR 200.313 (Equipment)
6. Texas Government Code, Chapter 418 (Texas Disaster Act of 1975),
7. Texas Government Code, Chapters 2158, 2171 and 2175 of the Texas Government Code.
8. Texas State Vehicle Fleet Management Plan (Office of Vehicle Fleet Management).

Enclosure C
TMDAM 7-1



TEXAS MILITARY DEPARTMENT
STATE PROPERTY OFFICE
POST OFFICE BOX 5218
AUSTIN, TX 78763-5218
(512) 782-1334

NGTX – RMS

NAME: _____ DATE: _____

HAND RECEIPT NUMBER: _____

PHONE NUMBER: _____

I request a turn in appointment for the following listed item (s)

Item	Description	Serial Number	Tag #	Quantity

2. Reason: Damaged Fair wear & tear Scrap Surplus Other

3. Items and circumstances have been verified and are released for disposal. Any equipment that was on G6 Network, must be wipe or hole punch before turn in.

State Property Coordinator Signature: _____ Date: _____

4. Items have been received by the Texas Military Department Asset Manager.

TMD Asset Manager Signature: _____ Date: _____

Enclosure D
TMDAM 6-1



TEXAS MILITARY DEPARTMENT
STATE PROPERTY OFFICE
POST OFFICE BOX 5218
AUSTIN, TX 78763-5218
(512) 782-1334

NGTX – RMS

DATE:

Name:	Transferred To:
Program:	Program:
Location Code:	Location Code:
Date Initiated:	Date Received:

ITEM	DESCRIPTION	SERIAL NUMBER	TAG	PRICE	QTY
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

I understand that I am responsible for the safe keeping of all state issued personal assets that are assigned to me and for which I have signed the agencies asset form. If requested, I will produce, in a reasonable amount of time, the item for inspection by the property manager. I further understand that: (1) I am financially responsible for the loss or damage to the items in my care if the loss or damage is a result of my negligence, intentional act or failure to exercise reasonable care to safeguard and maintain them in working order, (2) that I cannot transfer, dispose or cannibalize these items without the approval of the Property Manager, and (3) I am aware that the Asset Tag assigned to the items in my care is required to be applied to this (these) items immediately.

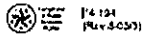
The TMD may seek further reimbursement of funds for lost, damaged or stolen property or place appropriate restrictions on future equipment purchase for the responsible Program.

Signature: _____

Date: _____

TMDAM 6-1 (Lateral Transfer)

**Enclosure E
74-194**



MISSING, DAMAGED OR STOLEN PROPERTY REPORT

NOTE: If property has been stolen or is lost, destroyed or damaged as a result of negligence, this form should be completed and sent to the Office of the Attorney General within 72 hours of the occurrence.

Name of agency/institution TEXAS MILITARY DEPARTMENT	Agency no. 401
--	-------------------

Place of occurrence	City	County
Police agency notified	Police report number	Deposal code
		Estimated value at date of loss

SERIAL NUMBER(S)	PURCHASE DATE	PURCHASE VALUE

STATE PROPERTY NUMBER	COMPONENT NUMBER	DESCRIPTION	LOCATION

Person(s) responsible for asset(s)	Property Manager name MATTHEW POWERS	Property Manager phone 512-782-1344
Report incident (including what security measures were in place at the time)		

Please check one box.

- Our investigation of the circumstances surrounding the state property listed herein indicates reasonable cause to believe that the loss, destruction, or damage to this property was through the negligence of the person(s) charged with the care and custody of this property.
- Our investigation of the circumstances surrounding the state property listed herein indicates reasonable cause to believe that the loss, destruction, or damage to this property was not through the negligence of the person(s) charged with the care and custody of this property.

This form should be signed and dated by the agency/institution head or designated representative. If a designated representative completes this form, the rank of that individual should be greater than that of the property manager.	
sign here ▶	Date
Printed name and title	

Retain this form for your files. If the property was missing, damaged, or stolen due to employee negligence, submit a copy of this form and a copy of the police report, if applicable, to the Office of the Attorney General. If your agency is in Austin, a copy may be sent via interagency mail. Otherwise, fax a copy to the Attorney General at (512) 478-8087.

**Enclosure F
OPERATOR INSPECTION FORM**

OPERATOR VEHICLE INSPECTION

Each vehicle operator is responsible for performing routine checks on the vehicle they operate.
 Below is a list of items and the frequency they need to be checked. This is not to be considered all inclusive, as different vehicles have different features that are identified in the owner's manual of the vehicle. In all cases, those routine checks referenced in the owner's manual must be adhered to.

Item	Required Daily	Required Weekly	Month:																																	
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			
Cleanliness	X																																			
Oil Level		X																																		
Lights	X																																			
Engine Coolant	X																																			
Seat Belts	X																																			
Exterior Damage	X																																			
Tire Pressure		X																																		
Windshield Washer Fluid		X																																		
Battery Water Level		X																																		
Tires		X																																		
Spare Tire (Every 2 Weeks)																																				
Other Items Specific to Your Vehicle																																				

G:\a\Vfmi\VehicleUseReports



TEXAS MILITARY DEPARTMENT

STATE EMPLOYEE
POLICIES & PROCEDURES
MANUAL
Number 1200.01

Appendix 4

TMD Recruitment Plan

1 September 2023

Recruitment Plan

Revised: 09/01/2023

1. GENERAL.

a. The Texas Military Department (TMD) is committed to taking steps to ensure that equal employment opportunities are provided and consistent with applicable law. An applicant for a posted vacancy is considered based on their qualifications and ability to successfully perform the job. The department shall not illegally discriminate in its employment practices.

b. This Recruitment Plan (Plan) is intended to provide appropriate personnel for all job positions in TMD. It is designed to enhance workforce diversity to ensure the TMD has a workforce that reflects the community it serves. This plan identifies underrepresentation of different ethnic, racial, or gender groups within the TMD, and focuses on recruiting within those job categories where it occurs. It is imperative that each member of management from the Adjutant General to first line supervisors gives the plan full support through leadership and by personal example.

c. TMD State Human Resources Office (OSA HR) and TMD management must work cooperatively with, and seek the assistance of, appropriate minority-representative groups, governmental agencies, educational institutions, and civic and professional organizations, as a catalyst to recruit a more diverse workforce.

d. TMD State Human Resources will continually evaluate our methodology to ensure that TMD's selection, recruitment, promotion, training, and disciplinary procedures do not operate as impediments to finding qualified applicants and retaining good employees. Policies, procedures, plans, and goals will be updated as laws dictate and as the needs of employees and the agency evolve.

e. TMD is an equal opportunity employer that prohibits discrimination based on race, color, religion, sex, national origin, age, disability, genetic information, or veteran status; and is committed to making employment decisions based on individual merit and ability. Thus, the TMD ensures equal employment opportunities that are consistent with applicable laws and regulations. TMD's practices ensure that recruitment, selection, assignment, training, promotion, compensation, benefits, reductions in force, and separations are based on business needs, the requirements of the job, and the qualifications, ability, and job performance of the individual.

f. Furthermore, it is the policy of the TMD to provide a workplace wherein all employees can work in an environment free of unlawful discrimination. All TMD employees are responsible for complying with and implementing the EEO and related policies to the extent that such actions are compatible with their position and capacity within the agency's chain of command. It is the duty of every employee to help maintain a work environment conducive to the intent and the spirit of the equal employment opportunity laws.

2. ROLES AND RESPONSIBILITIES.

This Plan reflects strategies and goals adopted by the TMD, the implementation and management of which are the responsibility of key groups of staff. Staff roles and responsibilities are as follows:

1. The Director of the Office of State Administration:
 - a. Ensures adequate resources are available to implement the Plan.
 - b. Ensures that senior staff members place maximum emphasis upon implementation of the Plan within their sphere of influence.
 - c. Takes prompt and appropriate action on all noncompliance and reports of violations of EEO policies.
 - d. Reviews the Plan each biennium or when a substantial impact occurs within the workforce.
 - e. Participates in developing and refining EEO policies and recruitment strategies.
 - f. Ensures the successful implementation of the Plan in full compliance with all applicable laws, rules, and regulations.
2. The State Director of Human Resources and/or Assistant Director of Human Resources:
 - a. Conducts a workforce analysis and updates the Plan each state fiscal biennium.
 - b. Serves as liaison between the agency and enforcement agencies such as the Texas Workforce Commission's Civil Rights Division and the Equal Employment Opportunity Commission.
 - c. Receives grievances and complaints of noncompliance and reported violations of EEO policies, in coordination with the OSA HR EEO and Complaints Specialist.
 - d. Monitors exit interviews to determine if EEO violations factor into any departure and, if so, promptly reports such information to management.
 - e. Serves as principal advisor to senior leadership and management regarding the Plan.
 - f. Integrates the Plan into personnel management systems and processes, including continual review of personnel selection procedures to ensure that they are tied to valid job-related requirements and free from all vestiges of discrimination.
 - g. Oversees the selection process, in accordance with established policies and procedures, and provides final approval of all hiring decisions.

h. Oversees the development of functional job descriptions for all divisions and maintains a copy of each in the OSA HR office.

i. Ensures consistency of qualifications for all agency positions and oversees the development of objective, job-related requirements and selection interview criteria.

j. Ensures timely and accurate reporting to external oversight and enforcement entities.

k. Assists management in arriving at solutions to meet workforce diversity strategies and objectives.

3. OSA HR Staffing and Recruiting Personnel:

a. Manage the hiring process in accordance with established policies and procedures.

b. Work with subject matter experts to develop and maintain functional job descriptions.

c. Identify and implement appropriate recruitment strategies in support of workforce diversity and goals of the Plan.

d. Review all applications for minimum qualifications to ensure consideration of underrepresented ethnic, racial, or gender groups.

4. TMD Directors, Managers, and Supervisors:

a. Identify specific educational programs and opportunities to enhance employee skills and to provide greater opportunities for advancement.

b. Assist in identifying problem areas and in establishing strategies and objectives relative to all levels of employment within the agency.

c. Monitor all personnel actions; including the selection of new hires, and the approval of transfers, promotions, employee development, and other opportunities at all levels, to ensure all actions taken are non-discriminatory.

d. Review the qualifications of all employees and applicants to ensure that underrepresented groups are accorded full opportunities in hiring, transfers, and promotions.

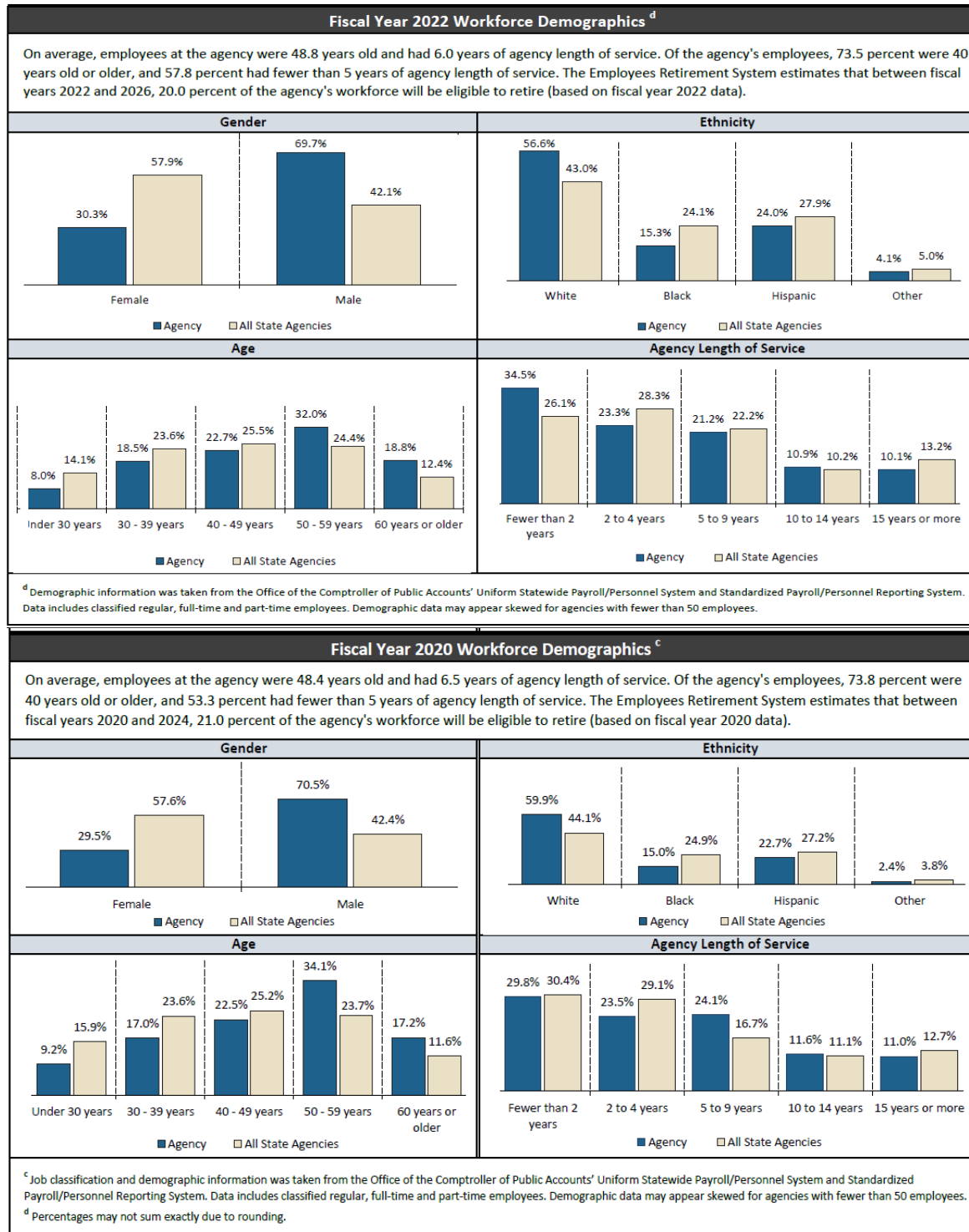
5. TMD Employees:

a. Act as referral sources in helping to provide the agency with a pool of qualified, diverse applicants.

b. Refrain from harassment and discriminatory tactics.

3. WORKFORCE DEMOGRAPHICS.

The following analysis of TMD’s workforce, compiled by the State Auditor’s Office (SAO), compares data from FY2020 and FY2022.



4. EEO JOB CATEGORIES.

a. Officials/Administrators make up four percent of the workforce, including the Adjutant General, Deputy Adjutants General, Office of State Administration Director, and all staff classified as Director-level.

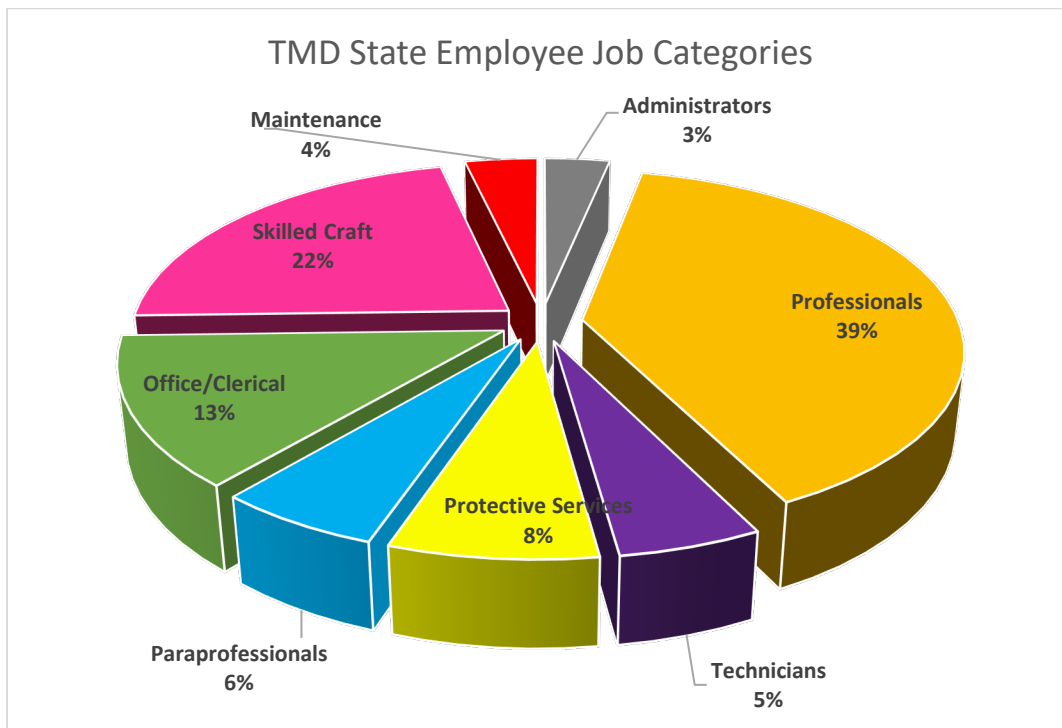
b. Just over one third of TMD's workforce is categorized as Professionals, including Accountants, Budget Analysts, Attorneys, Environmental Protection Specialists, Human Resources Specialists, Licensed Vocational Nurses, Managers, Program Supervisors, Project Managers, Training Specialists, Programmers, and Network Specialists.

c. The Protective Services category is made up of Rescue Specialists and Security Officers.

d. The Service Maintenance category is limited to positions that contribute to the safety or upkeep of TMDs properties. These positions include Groundskeepers, Cooks, Food Service Managers, and Equipment Operators. Consequently, the loss of one employee in this classification will drastically affect the overall representation.

e. Twenty-two percent of all positions at TMD are currently classified as Skilled Craft and is comprised primarily of Maintenance Supervisors and Specialists.

f. The EEO job categories are reviewed when there are significant changes to business operations or when positions are reclassified.



5. WORKFORCE ANALYSIS.

a. TMD State Human Resources calculates and tracks a quarterly summary report of TMD's state employee workforce composition. State Human Resources staff may use the workforce composition report as a tool to assess the department's objective in achieving workforce diversity.

b. TMD analyzes its current workforce in order to compare the numbers of individuals employed in each demographic group and job category to those in the statewide civilian workforce. The intent of this analysis is to determine the percentage of exclusion or underutilization of any demographic group by each job category within the department. TMD annually reports equal employment opportunity information to the Texas Workforce Commission's Civil Rights Division.

6. TWC WORKFORCE UTILIZATION WORKSHEET RESULTS.

a. In July 2023, TMD OSA HR conducted an analysis of the TMD's current workforce using the Texas Workforce Commission's (TWC) Workforce Utilization Worksheet (Worksheet). The Worksheet compares the number of African Americans, Hispanic Americans and females in each EEO job category to the available statewide civilian workforce, to determine the percentage of potential exclusion or underutilization in each category.

b. Underutilization is defined as conditions resulting in people of a particular sex or race being underrepresented in TMD's workforce compared to their availability in similar EEO job categories in the available labor force of the state. This information is based on TMD's FTEs and does not include temporary state employees in the Texas Military Forces.

c. According to the Worksheet, the agency has the highest risk of potential underutilization for Hispanics in the Administrative Support, Service Maintenance, Protective Services, Skilled Crafts, and Technical EEO job categories. Females are potentially underutilized in the Administrative Support, Protective Services, Skilled Crafts, and Technical categories.

d. Overall, the Worksheet indicates the largest underrepresentation of females and minorities to be in the Protective Services and Skilled Crafts EEO categories. The full results of the Worksheet are shown in the chart on the next page:

Underutilization – Final Results for Each EEO Job Category	
2020 Results (based on 2016 Census)	2023 Results (based on 2019 Census)
Officials / Administrators	
Female Passed 4/5th rule	Female - Passed 4/5ths Rule
African American Passed 4/5th rule	African-American - Passed 4/5ths Rule
Hispanic Passed 4/5th rule	Hispanic - Potential Underutilization
Administrative Support	
Female Potential underutilization	Female - Potential Underutilization
African American Passed 4/5th rule	African-American - Passed 4/5ths Rule
Hispanic Potential underutilization	Hispanic - Potential Underutilization
Service Maintenance	
Female Passed 4/5th rule	Female - Passed 4/5ths Rule
African American Passed 4/5th rule	African-American - Passed 4/5ths Rule
Hispanic Potential underutilization	Hispanic - Potential Underutilization
Professional	
Female Passed 4/5th rule	Female - Potential Underutilization
African American Passed 4/5th rule	African-American - Passed 4/5ths Rule
Hispanic Passed 4/5th rule	Hispanic - Passed 4/5ths Rule
Protective Services	
Female Potential underutilization	Female - Potential Underutilization
African American Inconclusive; sample too small	African-American - Inconclusive; sample too small
Hispanic Potential underutilization	Hispanic - Potential Underutilization
Skilled Crafts	
Female Potential underutilization	Female - Potential Underutilization
African American Inconclusive; sample too small	African-American - Passed 4/5ths Rule
Hispanic Potential underutilization	Hispanic - Potential Underutilization
Technical	
Female Potential underutilization	Female - Potential Underutilization
African American Passed 4/5th rule	African-American - Inconclusive; sample too small
Hispanic Potential underutilization	Hispanic - Potential Underutilization

Note. Yellow highlight indicates downward trend; green indicates upward trend.

8. RECRUITING STRATEGIES.

a. Implementation of improved recruitment strategies will:

(1) Increase diversity in applicant pools and enable the selection of qualified candidates to further our goal of increased diversity; and

(2) eliminate artificial and unintended obstacles to the recruitment, employment, and promotion of women and minorities.

b. Specific recruitment efforts will vary by job vacancy and the current needs and resources of the TMD.

(1) TMD State Human Resources will work closely with agency management prior to the posting of any vacancy to ensure that job announcements are made available to a wide range of recruiting sources, ensuring timely communication of employment opportunities and helping to develop productive employment referral networks.

(2) To the greatest extent possible, job announcements will be published with extended closing dates or posted as “open until filled” so there is ample time for the announcements to be distributed to as many recruitment sources as possible.

c. In an effort to obtain an applicant pool that reflects the diversity of the state, and thereby help reduce the differentials noted above, TMD plans to reach out to under-represented communities both externally and internally. These steps, as appropriate, may include, but are not limited to the following:

(1) **Online Advertisements.**

a. TMD Intranet (TMD Lone Star Portal (eLSP)) - All vacancies are posted on the intranet to ensure current TMD employees can view vacancies and refer potential candidates for application.

b. TMD Public Website (www.tmd.texas.gov) - All vacancies are posted on the agency public website to be more competitive and creative in promoting employment opportunities. TMD State Human Resources partners with each department during the hiring process to ensure development of an interactive, informative recruitment platform that will provide a realistic, appealing preview of current employment opportunities.

c. Work In Texas - Job vacancies open to the public will be posted on the TWC’s labor exchange system, currently [Work in Texas](#).

d. TMD may also leverage social media platforms to direct applicants to the job opportunities section of the redesigned website.

e. Other – TMD State Human Resources and management may leverage other appropriate online resources to advertise vacancies. Examples include job search sites such as [USA Jobs](#), [Indeed](#), and [LinkedIn](#).

(2) **Recruitment Incentive.** Effective 1 September 2023, TMD employees can earn up to 16 hours of Recruitment Referral Incentive Leave for successfully recruiting or referring external job applicants who are hired for full-time positions at TMD. Eligibility rules and process are outlined in the TMD State Employee Policies and Procedures Manual.

(3) **Recruitment Sources.** Targeted resources and contacts may be utilized for hard to fill positions and those that have been identified as potentially underutilized. Sources target various female and minority groups, veterans, professional organizations, and law enforcement networks.

a. TWC Workforce Solution Centers - Local Texas Workforce Commission (TWC) Workforce Solution Centers may assist with recruiting when there are inadequate pools of candidates. TWC offers placement services, up-to-date information on the labor market and emerging occupations, recruiting, retention, and training assistance, tax and hiring incentives, and more. For more information, refer to the *Directory of Workforce Solutions Offices and Services* at <https://twc.texas.gov/directory-workforce-solutions-offices-services>.

b. Job Fairs – TMD State Human Resources staff will represent TMD at job fairs and may partner with subject matter experts to assist with recruitment. This is limited to time and resources available to procure and present informative material.

(3) Colleges/Universities and Other Education Providers - TMD may participate in career days and on-campus recruiting, particularly with institutions that predominantly serve women and minorities. Students currently enrolled in a college or university may visit and tour TMD's operations at Camp Mabry to further their knowledge about the department and to spark interest in potential employment. Students may contact TMD State Human Resources for tour information.

(4) Newspaper and Magazine Advertising - For difficult to fill, specialized or high-level professional positions TMD may advertise in newspapers, magazines and journals, including Periodicals with predominantly minority readership. State Human Resources can assist with identifying appropriate publications. State Human Resources must review advertisements for EEO compliance before submission. State Human Resources will maintain a copy of each advertisement in the appropriate job posting file. The hiring authority is responsible for contacting TMD's purchasing department for detailed instructions on purchasing advertisements.

(5) Competitive Wages and Benefits - TMD will continue to pursue appropriated funds for more competitive wages and benefits to help attract and retain highly qualified, high-performing employees. TMD State Human Resources will work with the SAO and senior leadership to propose changes to the State Classification Plan, with the goal of reducing barriers to recruitment and competitive pay. Management and Human Resources will evaluate job descriptions and pay

groups and reclassify or make recommendations to the SAO for updates to the State Classification Plan.

(6) Employment Search Firm - The hiring authority may (subject to availability of funds) retain an agency search firm to recruit difficult to fill, specialized or high-level professional positions. TMD State Human Resources may assist with selecting an appropriate recruiting firm. The hiring authority is responsible for contacting state Purchasing for detailed instructions on retaining a search firm.

(7) TMD State Human Resources maintains and updates an electronic distribution list of organizations that may assist in meeting the department's recruitment needs. Upon request, Human Resources will forward electronic copies of job vacancy announcements to targeted organizations.

9. MONITORING AND REPORTING.

a. Annual EEO Progress Report - The Human Resources Director shall report progress in the recruitment and hiring of personnel in furtherance of our goal of increased diversity each year to the Director of State Administration.

b. Annual Reports - TMD State Human Resources will review the State of Texas Minority Hiring Reports (New Hire Detail and Workforce Detail) and the annual EEO-4 Report, comparing EEO and job categories. These reports will provide a racial, ethnic, and gender profile of agency personnel by EEO category. Categories where minorities and females are underrepresented will be identified and compared to the percentages of qualified candidates available in the relevant labor market. Accomplishments and shortcomings will be noted, and corrective action recommended to the Director of State Administration.

c. By November 1 of each calendar year, each state agency must report to the TWC the total number of African Americans, Hispanic Americans, females, and others hired for each job category during the preceding fiscal year. TWC compiles this information and submits the report to the governor and the Legislative Budget Board by January 1 of the subsequent calendar year.

d. Quarterly Veteran Report - Veteran reports are prepared by the Comptroller of Public Accounts and require acknowledgement of review by Human Resources each state fiscal quarter. These reports provide Veteran information of agency personnel captured in the Centralized Accounting Payroll and Personnel System.

e. Personnel Action Summary Data - Personnel action data including vacancy, new hire, resignation, and termination information will be provided on a monthly basis to the Director of State Administration.

f. CAPPS Recruit EEO Detail Report -This report includes a breakdown of all applicants by race, sex, referral source, position number, and applicant status. The report can be generated and evaluated for any vacancy announcement managed in CAPPS Recruit.

g. Surveys - Survey results will be reviewed for opportunities to improve equal employment opportunity communication and recruitment efforts. Surveys may include, but are not limited to, the biannual Survey of Employee Engagement conducted by the University of Texas and exit surveys conducted by the SAO.



TEXAS MILITARY DEPARTMENT

STATE EMPLOYEE
POLICIES & PROCEDURES
MANUAL
Number 1200.01

Appendix 5

TMD Career Ladder

1 September 2023

CLASS CODE	SALARY GP	CLASSIFICATION TITLE	REQUIRED EDUCATION	REQUIRED EXPERIENCE	REQUIRED CERTIFICATIONS/LICENSURES
1012	B14	ACCOUNTANT I	4-year degree (accounting, finance, or related field is preferred) OR experience substitution	6 months experience in accounting/financial operations	
1014	B15	ACCOUNTANT II	4-year degree (accounting, finance, or related field is preferred) OR experience substitution	2 years of experience in accounting/financial operations	
1016	B17	ACCOUNTANT III	4-year degree (accounting, finance, or related field is preferred) OR experience substitution	3 years of experience in accounting/financial operations	
1018	B19	ACCOUNTANT IV	4-year degree (accounting, finance, or related field is preferred) OR experience substitution	4 years of experience in accounting/financial operations	
1020	B21	ACCOUNTANT V	4-year degree (accounting, finance, or related field is preferred) OR experience substitution	5 years of experience in accounting/financial operations	
1022	B23	ACCOUNTANT VI	4-year degree (accounting, finance, or related field is preferred) OR experience substitution	6 years of experience in accounting/financial operations	
1024	B25	ACCOUNTANT VII	4-year degree (accounting, finance, or related field is preferred) OR experience substitution	7 years of experience in accounting/financial operations	
1000	A11	ACCOUNTING TECHNICIAN I	High school or equivalent	Experience in accounting or bookkeeping	
1002	A13	ACCOUNTING TECHNICIAN II	High school or equivalent	1 year experience in accounting or bookkeeping	
0150	A09	ADMINISTRATIVE ASSISTANT I	High school or equivalent	Experience in administrative support work	
0152	A11	ADMINISTRATIVE ASSISTANT II	High school or equivalent	1 year of experience in administrative support work	
0154	A13	ADMINISTRATIVE ASSISTANT III	High school or equivalent	2 years of experience in administrative support work	
0156	A15	ADMINISTRATIVE ASSISTANT IV	High school or equivalent	3 years of experience in administrative support work	
0158	A17	ADMINISTRATIVE ASSISTANT V	High school or equivalent	4 years of experience in administrative support work	
2260	B21	ARCHITECT I	4-year degree (architecture, landscape architecture) OR related degree in a program accredited by the Landscape Architectural Accreditation Board or National Architectural Accrediting Board OR substitution	4 years of experience in architectural or construction management work	Registered Architect or Landscape Architect by the Texas Board of Architectural Examiners
2264	B23	ARCHITECT II	4-year degree (architecture, landscape architecture, or related degree in a program accredited by the Landscape Architectural Accreditation Board or National Architectural Accrediting Board OR substitution	5 years of experience in architectural or construction management work	Registered Architect or Landscape Architect by the Texas Board of Architectural Examiners
2266	B25	ARCHITECT III	4-year degree (architecture, landscape architecture, or related degree in a program accredited by the Landscape Architectural Accreditation Board or National Architectural Accrediting Board OR substitution	6 years of experience in architectural or construction management work	Registered Architect or Landscape Architect by the Texas Board of Architectural Examiners
2268	B27	ARCHITECT IV	4-year degree (architecture, landscape architecture, or related degree in a program accredited by the Landscape Architectural Accreditation Board or National Architectural Accrediting Board OR substitution	7 years of experience in architectural or construction management work	Registered Architect or Landscape Architect by the Texas Board of Architectural Examiners
7405	B14	ARCHIVIST I	4-year degree (history, government, library science, or related field is preferred) OR substitution	3 years of experience with archival work and general records management	
7407	B16	ARCHIVIST II	4-year degree (history, government, library science, or related field is preferred) OR substitution	4 years of experience with archival work and general records management	
7409	B18	ARCHIVIST III	4-year degree (history, government, library science, or related field is preferred) OR substitution	5 years of experience with archival work and general records management	
7411	B20	ARCHIVIST IV	4-year degree (history, government, library science, or related field is preferred) OR substitution	6 years of experience with archival work and general records management	
3502	B21	ATTORNEY I	Graduation from an accredited law school with a Juris Doctor (JD) degree	3 years of experience in legal work	Licensed attorney by the State of Texas
3503	B23	ATTORNEY II	Graduation from an accredited law school with a Juris Doctor (JD) degree	4 years of experience in legal work	Licensed attorney by the State of Texas
3504	B25	ATTORNEY III	Graduation from an accredited law school with a Juris Doctor (JD) degree	5 years of experience in legal work	Licensed attorney by the State of Texas
3505	B27	ATTORNEY IV	Graduation from an accredited law school with a Juris Doctor (JD) degree	6 years of experience in legal work	Licensed attorney by the State of Texas
3506	B29	ATTORNEY V	Graduation from an accredited law school with a Juris Doctor (JD) degree	7 years of experience in legal work	Licensed attorney by the State of Texas
1044	B17	AUDITOR I	4-year degree (accounting, finance, business administration, economics, or related field is preferred) OR substitution	1 year of experience in accounting or auditing work	

CLASS CODE	SALARY GP	CLASSIFICATION TITLE	REQUIRED EDUCATION	REQUIRED EXPERIENCE	REQUIRED CERTIFICATIONS/LICENSURES
1046	B19	AUDITOR II	4-year degree (accounting, finance, business administration, economics, or related field is preferred) OR substitution	2 years of experience in accounting or auditing work	
1048	B21	AUDITOR III	4-year degree (accounting, finance, business administration, economics, or related field is preferred) OR substitution	3 years of experience in accounting or auditing work	
1050	B23	AUDITOR IV	4-year degree (accounting, finance, business administration, economics, or related field is preferred) OR substitution	4 years of experience in accounting or auditing work	
1052	B25	AUDITOR V	4-year degree (accounting, finance, business administration, economics, or related field is preferred) OR substitution	5 years of experience in accounting or auditing work	
1155	B17	BUDGET ANALYST I	4-year degree (accounting, finance, business administration, public administration, or related field is preferred) OR substitution	2 years of experience in accounting, auditing, finance, or budget preparation and analysis work	
1156	B19	BUDGET ANALYST II	4-year degree (accounting, finance, business administration, public administration, or related field is preferred) OR substitution	3 years of experience in accounting, auditing, finance, or budget preparation and analysis work	
1157	B21	BUDGET ANALYST III	4-year degree (accounting, finance, business administration, public administration, or related field is preferred) OR substitution	4 years of experience in accounting, auditing, finance, or budget preparation and analysis work	
1158	B23	BUDGET ANALYST IV	4-year degree (accounting, finance, business administration, public administration, or related field is preferred) OR substitution	5 years of experience in accounting, auditing, finance, or budget preparation and analysis work	
1159	B25	BUDGET ANALYST V	4-year degree (accounting, finance, business administration, public administration, or related field is preferred) OR substitution	6 years of experience in accounting, auditing, finance, or budget preparation and analysis work	
5226	B11	CASE MANAGER I	High school or equivalent	4 years of experience in case management, social services, or related work	Certified in First Aid and CPR within 6 months of employment
5227	B13	CASE MANAGER II	High school or equivalent	5 years of experience in case management, social services, or related work	Certified in First Aid and CPR within 6 months of employment
5228	B15	CASE MANAGER III	High school or equivalent	6 years of experience in case management, social services, or related work	Certified in First Aid and CPR within 6 months of employment
5229	B17	CASE MANAGER IV	High school or equivalent	7 years of experience in case management, social services, or related work	Certified in First Aid and CPR within 6 months of employment
5230	B18	CASE MANAGER V	High school or equivalent	8 years of experience in case management, social services, or related work	Certified in First Aid and CPR within 6 months of employment
0055	A07	CLERK I	High school or equivalent	Some experience in clerical, customer service, or related work	
0057	A09	CLERK II	High school or equivalent	6 months of experience in clerical, customer service, or related work	
0059	A11	CLERK III	High school or equivalent	1 year of experience in clerical, customer service, or related work	
1960	B25	CONTRACT ADMINISTRATION MANAGER I	4-year degree (business, public administration, law or related field is preferred) OR substitution	5 years of experience in contract administration, management, evaluation, or monitoring contract providers PLUS 3 years of supervisory experience	Certified Texas Contract Developer (CTCD) (formerly known as Certified Texas Purchasing Manager (CTPM))
1962	B27	CONTRACT ADMINISTRATION MANAGER II	4-year degree (business, public administration, law or related field is preferred) OR substitution	6 years of experience in contract administration, management, evaluation, or monitoring contract providers PLUS 4 years of supervisory experience	Certified Texas Contract Developer (CTCD) (formerly known as Certified Texas Purchasing Manager (CTPM))
1976	B15	CONTRACT SPECIALIST I	4-year degree (business administration or related field is preferred) OR substitution	1 year of experience in contract development or evaluation work	Certified Texas Contract Manager (CTCM)
1980	B17	CONTRACT SPECIALIST II	4-year degree (business administration or related field is preferred) OR substitution	2 year of experience in contract development or evaluation work	Certified Texas Contract Manager (CTCM)
1982	B19	CONTRACT SPECIALIST III	4-year degree (business administration or related field is preferred) OR substitution	3 year of experience in contract development or evaluation work	Certified Texas Contract Manager (CTCM)
1984	B21	CONTRACT SPECIALIST IV	4-year degree (business administration or related field is preferred) OR substitution	4 year of experience in contract development or evaluation work	Certified Texas Contract Manager (CTCM)
1986	B23	CONTRACT SPECIALIST V	4-year degree (business administration or related field is preferred) OR substitution	5 year of experience in contract development or evaluation work	Certified Texas Contract Manager (CTCM)
8116	A06	COOK I	High school or equivalent	No experience required	
8117	A07	COOK II	High school or equivalent	Some experience in food preparation work	
8118	A09	COOK III	High school or equivalent	6 months of experience in food preparation work	
8119	A11	COOK IV	High school or equivalent	1 year of experience in food preparation work	

CLASS CODE	SALARY GP	CLASSIFICATION TITLE	REQUIRED EDUCATION	REQUIRED EXPERIENCE	REQUIRED CERTIFICATIONS/LICENSURES
1810	B16	CREATAIVE MEDIA DESIGNER I	4-year degree (communication design, fine arts, graphic design, visual arts, or related field preferred)	1 year of experience in content development, graphic design, visual art, multimedia production, or related work.	
1812	B18	CREATAIVE MEDIA DESIGNER I	4-year degree (communication design, fine arts, graphic design, visual arts, or related field preferred)	2 years of experience in content development, graphic design, visual art, multimedia production, or related work.	
1814	B20	CREATAIVE MEDIA DESIGNER I	4-year degree (communication design, fine arts, graphic design, visual arts, or related field preferred)	3 years of experience in content development, graphic design, visual art, multimedia production, or related work.	
1816	B22	CREATAIVE MEDIA DESIGNER I	4-year degree (communication design, fine arts, graphic design, visual arts, or related field preferred)	4 years of experience in content development, graphic design, visual art, multimedia production, or related work.	
7466	B16	CURATOR I	4-year degree (history, government, or related field preferred) OR substitution	1 year of experience in museum curatorial work	
7468	B18	CURATOR II	4-year degree (history, government, or related field preferred) OR substitution	2 years of experience in museum curatorial work	
7470	B20	CURATOR III	4-year degree (history, government, or related field preferred) OR substitution	3 years of experience in museum curatorial work	
7472	B22	CURATOR IV	4-year degree (history, government, or related field preferred) OR substitution	4 years of experience in museum curatorial work	
0130	A09	CUSTOMER SERVICE REPRESENTATIVE I	High school or equivalent	6 months of experience in customer service, clerical, or administrative support work	
0132	A11	CUSTOMER SERVICE REPRESENTATIVE II	High school or equivalent	1 year of experience in customer service, clerical, or administrative support work	
0134	A13	CUSTOMER SERVICE REPRESENTATIVE III	High school or equivalent	2 years of experience in customer service, clerical, or administrative support work	
0136	A15	CUSTOMER SERVICE REPRESENTATIVE IV	High school or equivalent	3 years of experience in customer service, clerical, or administrative support work	
0138	A17	CUSTOMER SERVICE REPRESENTATIVE V	High school or equivalent	4 years of experience in customer service, clerical, or administrative support work	
0650	B18	DATA ANALYST I	4-year degree (data science, business analytics, computer science, computer information systems, management information systems, accounting, finance, mathematics, statistics, economics, or related field is preferred) OR substitution	2 years of experience in data analysis, research, compilation, and/or reporting work	
0651	B20	DATA ANALYST II	4-year degree (data science, business analytics, computer science, computer information systems, management information systems, accounting, finance, mathematics, statistics, economics, or related field is preferred) OR substitution	3 years of experience in data analysis, research, compilation, and/or reporting work	
0652	B22	DATA ANALYST III	4-year degree (data science, business analytics, computer science, computer information systems, management information systems, accounting, finance, mathematics, statistics, economics, or related field is preferred) OR substitution	4 years of experience in data analysis, research, compilation, and/or reporting work	
0653	B24	DATA ANALYST IV	4-year degree (data science, business analytics, computer science, computer information systems, management information systems, accounting, finance, mathematics, statistics, economics, or related field is preferred) OR substitution	5 years of experience in data analysis, research, compilation, and/or reporting work	
0654	B26	DATA ANALYST V	4-year degree (data science, business analytics, computer science, computer information systems, management information systems, accounting, finance, mathematics, statistics, economics, or related field is preferred) OR substitution	6 years of experience in data analysis, research, compilation, and/or reporting work	
0655	B28	DATA ANALYST VI	4-year degree (data science, business analytics, computer science, computer information systems, management information systems, accounting, finance, mathematics, statistics, economics, or related field is preferred) OR substitution	7 years of experience in data analysis, research, compilation, and/or reporting work	
0211	B20	DATABASE ADMINISTRATOR I	4-year degree (computer science, management information systems, or related field is preferred) OR substitution	1 year of experience in computer systems, data analysis, or database development and maintenance work	
0212	B22	DATABASE ADMINISTRATOR II	4-year degree (computer science, management information systems, or related field is preferred) OR substitution	2 years of experience in computer systems, data analysis, or database development and maintenance work	

CLASS CODE	SALARY GP	CLASSIFICATION TITLE	REQUIRED EDUCATION	REQUIRED EXPERIENCE	REQUIRED CERTIFICATIONS/LICENSURES
0213	B24	DATABASE ADMINISTRATOR III	4-year degree (data science, business analytics, computer science, computer information systems, accounting, finance, mathematics, statistics, economics, or related field is preferred) OR substitution	3 years of experience in computer systems, data analysis, or database development and maintenance work	
0214	B26	DATABASE ADMINISTRATOR IV	4-year degree (data science, business analytics, computer science, computer information systems, accounting, finance, mathematics, statistics, economics, or related field is preferred) OR substitution	4 years of experience in computer systems, data analysis, or database development and maintenance work	
0215	B28	DATABASE ADMINISTRATOR V	4-year degree (data science, business analytics, computer science, computer information systems, accounting, finance, mathematics, statistics, economics, or related field is preferred) OR substitution	5 years of experience in computer systems, data analysis, or database development and maintenance work	
1630	B33	DEPUTY DIRECTOR I	4-year degree (business or public administration, or related field is preferred) OR substitution	8 years of experience in policy administration and management work	**May require registration, certification, or licensures in specialist area.
1631	B34	DEPUTY DIRECTOR II	4-year degree (business or public administration, or related field is preferred) OR substitution	10 years of experience in policy administration and management work	
1632	B35	DEPUTY DIRECTOR III	4-year degree (business or public administration, or related field is preferred) OR substitution	12 years of experience in policy administration and management work	
1633	B36	DEPUTY DIRECTOR IV	4-year degree (business or public administration, or related field is preferred) OR substitution	14 years of experience in policy administration and management work	
1620	B26	DIRECTOR I	4-year degree (field relevant to the assignment) OR substitution	5 years of progressive relevant program experience PLUS 6 years of managerial experience	
1621	B27	DIRECTOR II	4-year degree (field relevant to the assignment) OR substitution	6 years of progressive relevant program experience PLUS 7 years of managerial experience	
1622	B28	DIRECTOR III	4-year degree (field relevant to the assignment) OR substitution	7 years of progressive relevant program experience PLUS 8 years of managerial experience	
1623	B29	DIRECTOR IV	4-year degree (field relevant to the assignment) OR substitution	8 years of progressive relevant program experience PLUS 9 years of managerial experience	
1624	B30	DIRECTOR V	4-year degree (field relevant to the assignment) OR substitution	9 years of progressive relevant program experience PLUS 10 years of managerial experience	
1625	B31	DIRECTOR VI	4-year degree (field relevant to the assignment) OR substitution	10 years of progressive relevant program experience PLUS 12 years of managerial experience	
1626	B32	DIRECTOR VII	4-year degree (field relevant to the assignment) OR substitution	12 years of progressive relevant program experience PLUS 14 years of managerial experience	
2181	A17	DRAFTING TECHNICIAN I	2-year degree (drafting, architectural or mechanical drawing, mathematics, or related field is preferred)	4 years of experience in drafting work	
2182	A19	DRAFTING TECHNICIAN II	2-year degree (drafting, architectural or mechanical drawing, mathematics, or related field is preferred)	5 years of experience in drafting work	
9802	A14	ELECTRICIAN I	High school or equivalent	6 months of experience in electrical work	
9804	A16	ELECTRICIAN II	High school or equivalent	1 year of experience in electrical work	
9806	A18	ELECTRICIAN III	High school or equivalent	2 years of experience in electrical work	
9808	A20	ELECTRICIAN IV	High school or equivalent	3 years of experience in electrical work	
9060	A15	ELECTRONICS TECHNICIAN I	High school or equivalent	1 year of experience in installing, diagnosing, repairing, and maintaining electronic equipment	
9064	A19	ELECTRONICS TECHNICIAN II	High school or equivalent	3 years of experience in installing, diagnosing, repairing, and maintaining electronic equipment	
9062	A17	ELECTRONICS TECHNICIAN III	High school or equivalent	2 years of experience in installing, diagnosing, repairing, and maintaining electronic equipment	
6240	B17	EMERGENCY MANAGEMENT PROGRAM COORDINATOR I	4-year degree (management, planning, public administration, emergency management, or related field is preferred) OR substitution	2 years of experience in emergency management or public safety work	
6241	B19	EMERGENCY MANAGEMENT PROGRAM COORDINATOR II	4-year degree (management, planning, public administration, emergency management, or related field is preferred) OR substitution	3 years of experience in emergency management or public safety work	
6242	B21	EMERGENCY MANAGEMENT PROGRAM COORDINATOR III	4-year degree (management, planning, public administration, emergency management, or related field is preferred) OR substitution	4 years of experience in emergency management or public safety work	
6243	B23	EMERGENCY MANAGEMENT PROGRAM COORDINATOR IV	4-year degree (management, planning, public administration, emergency management, or related field is preferred) OR substitution	5 years of experience in emergency management or public safety work	

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6244	B25	EMERGENCY MANAGEMENT PROGRAM COORDINATOR V	4-year degree (management, planning, public administration, emergency management, or related field is preferred) OR substitution	6 years of experience in emergency management or public safety work	
2152	B22	ENGINEER I	4-year degree (engineering or related field is preferred) OR substitution	4 experience in engineering work	Licensed Professional Engineer by the State of Texas
2153	B23	ENGINEER II	4-year degree (engineering or related field is preferred) OR substitution	5 experience in engineering work	Licensed Professional Engineer by the State of Texas
2154	B24	ENGINEER III	4-year degree (engineering or related field is preferred) OR substitution	6 experience in engineering work	Licensed Professional Engineer by the State of Texas
2155	B25	ENGINEER IV	4-year degree (engineering or related field is preferred) OR substitution	7 experience in engineering work	Licensed Professional Engineer by the State of Texas
2156	B26	ENGINEER V	4-year degree (engineering or related field is preferred) OR substitution	8 experience in engineering work	Licensed Professional Engineer by the State of Texas
2157	B27	ENGINEER VI	4-year degree (engineering or related field is preferred) OR substitution	10 experience in engineering work	Licensed Professional Engineer by the State of Texas
2127	B17	ENGINEERING SPECIALIST I	4-year degree (engineering, natural resources, mathematics, or related field is preferred) OR substitution	2 years of experience in engineering work	
2128	B18	ENGINEERING SPECIALIST II	4-year degree (engineering, natural resources, mathematics, or related field is preferred) OR substitution	3 years of experience in engineering work	
2129	B19	ENGINEERING SPECIALIST III	4-year degree (engineering, natural resources, mathematics, or related field is preferred) OR substitution	4 years of experience in engineering work	
2130	B20	ENGINEERING SPECIALIST IV	4-year degree (engineering, natural resources, mathematics, or related field is preferred) OR substitution	5 years of experience in engineering work	
2131	B21	ENGINEERING SPECIALIST V	4-year degree (engineering, natural resources, mathematics, or related field is preferred) OR substitution	6 years of experience in engineering work	
2132	B22	ENGINEERING SPECIALIST VI	4-year degree (engineering, natural resources, mathematics, or related field is preferred) OR substitution	7 years of experience in engineering work	
2122	A12	ENGINEERING TECHNICIAN I	High school diploma or equivalent	6 months of experience in surveying or engineering work	
2123	A14	ENGINEERING TECHNICIAN II	High school diploma or equivalent	1 year of experience in surveying or engineering work	
2124	A16	ENGINEERING TECHNICIAN III	High school diploma or equivalent	2 years of experience in surveying or engineering work	
2125	A18	ENGINEERING TECHNICIAN IV	High school diploma or equivalent	3 years of experience in surveying or engineering work	
2651	B16	ENVIRONMENTAL PROTECTION SPECIALIST I	4-year degree (environmental or natural sciences, environmental engineering, public health, or related field is preferred) OR substitution	1 year of experience in environmental or public health and safety work	
2652	B18	ENVIRONMENTAL PROTECTION SPECIALIST II	4-year degree (environmental or natural sciences, environmental engineering, public health, or related field is preferred) OR substitution	2 year of experience in environmental or public health and safety work	
2653	B20	ENVIRONMENTAL PROTECTION SPECIALIST III	4-year degree (environmental or natural sciences, environmental engineering, public health, or related field is preferred) OR substitution	3 year of experience in environmental or public health and safety work	
2654	B22	ENVIRONMENTAL PROTECTION SPECIALIST IV	4-year degree (environmental or natural sciences, environmental engineering, public health, or related field is preferred) OR substitution	4 year of experience in environmental or public health and safety work	
2655	B25	ENVIRONMENTAL PROTECTION SPECIALIST V	4-year degree (environmental or natural sciences, environmental engineering, public health, or related field is preferred) OR substitution	5 year of experience in environmental or public health and safety work	
9733	A14	EQUIPMENT MAINTENANCE TECHNICIAN I	High school diploma or equivalent	2 years of experience in servicing and repairing various types of machines or equipment	
9734	A16	EQUIPMENT MAINTENANCE TECHNICIAN II	High school diploma or equivalent	3 years of experience in servicing and repairing various types of machines or equipment	
9022	A15	EQUIPMENT OPERATOR I	High school diploma or equivalent	2 years of experience in the operation and maintenance of heavy and light equipment	
9024	A16	EQUIPMENT OPERATOR II	High school diploma or equivalent	3 years of experience in the operation and maintenance of heavy and light equipment	
0160	B17	EXECUTIVE ASSISTANT I	4-year degree (business administration or related field is preferred) OR substitution	1 year of experience in administration management	

CLASS CODE	SALARY GP	CLASSIFICATION TITLE	REQUIRED EDUCATION	REQUIRED EXPERIENCE	REQUIRED CERTIFICATIONS/LICENSURES
0162	B19	EXECUTIVE ASSISTANT II	4-year degree (business administration or related field is preferred) OR substitution	2 years of experience in administration management	
0164	B21	EXECUTIVE ASSISTANT III	4-year degree (business administration or related field is preferred) OR substitution	3 years of experience in administration management	
5010	B19	FAMILY SERVICES SPECIALIST I	4-year degree (social work, counseling, psychology, criminal justice, gerontology, early childhood education, elementary or secondary education, or related field is preferred) OR substitution	3 years of experience in social work or related field	
5011	B20	FAMILY SERVICES SPECIALIST II	4-year degree (social work, counseling, psychology, criminal justice, gerontology, early childhood education, elementary or secondary education, or related field is preferred) OR substitution	4 years of experience in social work or related field	
1080	B20	FINANCIAL ANALYST I	4-year degree (accounting, business administration, finance, economics, or related field is preferred) OR substitution	2 years of experience in financial analysis and regulatory work	
1082	B22	FINANCIAL ANALYST II	4-year degree (accounting, business administration, finance, economics, or related field is preferred) OR substitution	3 years of experience in financial analysis and regulatory work	
1084	B24	FINANCIAL ANALYST III	4-year degree (accounting, business administration, finance, economics, or related field is preferred) OR substitution	4 years of experience in financial analysis and regulatory work	
1085	B26	FINANCIAL ANALYST V	4-year degree (accounting, business administration, finance, economics, or related field is preferred) OR substitution	5 years of experience in financial analysis and regulatory work	
1996	B17	FLEET MANAGER I	High school diploma or equivalent	2 years of experience in fleet operations work	
1997	B19	FLEET MANAGER II	High school diploma or equivalent	3 years of experience in fleet operations work	
1998	B21	FLEET MANAGER III	High school diploma or equivalent	4 years of experience in fleet operations work	
8108	A12	FOOD SERVICE MANAGER I	High school diploma or equivalent	2 years of experience in food service management and preparation work	* Food Handler's Certification (within 30 days) Cardiopulmonary Resuscitation (CPR) *
8109	A14	FOOD SERVICE MANAGER II	High school diploma or equivalent	3 years of experience in food service management and preparation work	* Food Handler's Certification (within 30 days) Cardiopulmonary Resuscitation (CPR) *
8110	A16	FOOD SERVICE MANAGER III	High school diploma or equivalent	4 years of experience in food service management and preparation work	* Food Handler's Certification (within 30 days) Cardiopulmonary Resuscitation (CPR) *
8111	A18	FOOD SERVICE MANAGER IV	High school diploma or equivalent	5 years of experience in food service management and preparation work	* Food Handler's Certification (within 30 days) Cardiopulmonary Resuscitation (CPR) *
8103	A05	FOOD SERVICE WORKER I	High school diploma or equivalent	Experience in food service work	
8104	A07	FOOD SERVICE WORKER II	High school diploma or equivalent	1 year of experience in food service work	
0270	B18	GEOGRAPHIC INFO SPECIALIST I	4-year degree (computer science, computer information systems, geography, geographic information systems technology, management information systems, or related field is preferred) OR substitution	1 year of experience geographic information systems analysis and design work	
0271	B20	GEOGRAPHIC INFO SPECIALIST II	4-year degree (computer science, computer information systems, geography, geographic information systems technology, management information systems, or related field is preferred) OR substitution	2 year of experience geographic information systems analysis and design work	
0272	B22	GEOGRAPHIC INFO SPECIALIST III	4-year degree (computer science, computer information systems, geography, geographic information systems technology, management information systems, or related field is preferred) OR substitution	3 year of experience geographic information systems analysis and design work	
0273	B24	GEOGRAPHIC INFO SPECIALIST IV	4-year degree (computer science, computer information systems, geography, geographic information systems technology, management information systems, or related field is preferred) OR substitution	4 year of experience geographic information systems analysis and design work	
0274	B26	GEOGRAPHIC INFO SPECIALIST V	4-year degree (computer science, computer information systems, geography, geographic information systems technology, management information systems, or related field is preferred) OR substitution	5 year of experience geographic information systems analysis and design work	

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1890	B25	GOVERNMENT RELATIONS SPECIALIST I	4-year degree (field relevant to the assignment) OR substitution	1 year of experience working with the Texas Legislature, US Congress or Texas Governor/Lieutenant Governor either at an executive agency, within an elected official's office or as a professional staff on a committee PLUS 2 years of experience identifying and monitoring proposed legislation and assessing potential legislative impact is required.	
1892	B25	GOVERNMENT RELATIONS SPECIALIST II	4-year degree (field relevant to the assignment) OR substitution	3 year of experience working with the Texas Legislature, US Congress or Texas Governor/Lieutenant Governor either at an executive agency, within an elected official's office or as a professional staff on a committee PLUS 3 years of experience identifying and monitoring proposed legislation and assessing potential legislative impact is required.	
1894	B27	GOVERNMENT RELATIONS SPECIALIST III	4-year degree (field relevant to the assignment) OR substitution	5 year of experience working with the Texas Legislature, US Congress or Texas Governor/Lieutenant Governor either at an executive agency, within an elected official's office or as a professional staff on a committee PLUS 5 years of experience identifying and monitoring proposed legislation and assessing potential legislative impact is required.	
1920	B18	GRANT COORDINATOR I	4-year degree (public administration, business administration, or related field is preferred) OR substitution	1 year of experience in administration, development, coordination, and monitoring of grants	
1921	B20	GRANT COORDINATOR II	4-year degree (public administration, business administration, or related field is preferred) OR substitution	2 year of experience in administration, development, coordination, and monitoring of grants	
1922	B22	GRANT COORDINATOR III	4-year degree (public administration, business administration, or related field is preferred) OR substitution	3 year of experience in administration, development, coordination, and monitoring of grants	
1923	B24	GRANT COORDINATOR IV	4-year degree (public administration, business administration, or related field is preferred) OR substitution	4 year of experience in administration, development, coordination, and monitoring of grants	
8031	A05	GROUNDSKEEPER I	High school diploma or equivalent	Full-time work experience required	
8032	A06	GROUNDSKEEPER II	High school diploma or equivalent	6 months of experience in groundskeeping work	
8033	A08	GROUNDSKEEPER III	High school diploma or equivalent	1 year of experience in groundskeeping work	
8034	A10	GROUNDSKEEPER IV	High school diploma or equivalent	18 months of experience in groundskeeping work	
8035	A12	GROUNDSKEEPER V	High school diploma or equivalent	2 years of experience in groundskeeping work	
4226	B20	HEALTH SPECIALIST I	Graduation from a nationally accredited Masters or PhD program with major coursework in counseling, psychology, or related field	Experience in counseling or psychological work	Must possess one of the following licenses: Licensed Professional Counselor (LPC); Licensed Marriage and Family Therapist (LMFT); Licensed Clinical Social Worker (LCSW);
4227	B20	HEALTH SPECIALIST II	Graduation from a nationally accredited Masters or PhD program with major coursework in counseling, psychology, or related field	Experience in counseling or psychological work	Must possess one of the following licenses: Licensed Professional Counselor (LPC); Licensed Marriage and Family Therapist (LMFT); Licensed Clinical Social Worker (LCSW);
7315	B15	HISTORIAN I	4-year degree (history, architectural history, American studies, historic preservation, or related field is preferred) OR substitution	3 years of experience in historical research work	
7317	B17	HISTORIAN II	4-year degree (history, architectural history, American studies, historic preservation, or related field is preferred) OR substitution	4 years of experience in historical research work	
7319	B19	HISTORIAN III	4-year degree (history, architectural history, American studies, historic preservation, or related field is preferred) OR substitution	5 years of experience in historical research work	
1727	B12	HR ASSISTANT I	High school diploma or equivalent	Experience in human resources administrative and technical assistance work	
1729	B14	HR SPECIALIST I	4-year degree (human resource management, business or public administration, organizational development, or related field is preferred) OR substitution	6 months experience in human resources management work	
1731	B16	HR SPECIALIST II	4-year degree (human resource management, business or public administration, organizational development, or related field is preferred) OR substitution	1 year of experience in human resources management work	

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1733	B18	HR SPECIALIST III	4-year degree (human resource management, business or public administration, organizational development, or related field is preferred) OR substitution	2 years of experience in human resources management work	
1735	B20	HR SPECIALIST IV	4-year degree (human resource management, business or public administration, organizational development, or related field is preferred) OR substitution	3 years of experience in human resources management work	
1737	B22	HR SPECIALIST V	4-year degree (human resource management, business or public administration, organizational development, or related field is preferred) OR substitution	4 years of experience in human resources management work	
1739	B24	HR SPECIALIST VI	4-year degree (human resource management, business or public administration, organizational development, or related field is preferred) OR substitution	5 years of experience in human resources management work	
9812	A14	HVAC MECHANIC I	High school diploma or equivalent	2 years of experience installing, repairing, and/or maintaining heating, ventilation, cooling, and refrigeration equipment/systems.	Environmental Protection Agency (EPA) Section 608 certification (Preferred certifications/licensures: Air Conditioning & Refrigeration [ACR] Technician license issued by the Texas Department of Licensing & Regulation [TDLR])
9814	A16	HVAC MECHANIC II	High school diploma or equivalent	3 years of experience installing, repairing, and/or maintaining heating, ventilation, cooling, and refrigeration equipment/systems.	Environmental Protection Agency (EPA) Section 608 certification (Preferred certifications/licensures: Air Conditioning & Refrigeration [ACR] Technician license issued by the Texas Department of Licensing & Regulation [TDLR])
9816	A18	HVAC MECHANIC III	High school diploma or equivalent	4 years of experience installing, repairing, and/or maintaining heating, ventilation, cooling, and refrigeration equipment/systems.	Environmental Protection Agency (EPA) Section 608 certification (Preferred certifications/licensures: Air Conditioning & Refrigeration [ACR] Technician license issued by the Texas Department of Licensing & Regulation [TDLR])
0235	B23	INFORMATION SECURITY ANALYST I	4-year degree (information technology security, computer information systems, computer science, management information systems, or related field is preferred) OR substitution	2 years of experience in information security analysis work	
0236	B25	INFORMATION SECURITY ANALYST I	4-year degree (information technology security, computer information systems, computer science, management information systems, or related field is preferred) OR substitution	3 years of experience in information security analysis work	
0237	B27	INFORMATION SECURITY ANALYST I	4-year degree (information technology security, computer information systems, computer science, management information systems, or related field is preferred) OR substitution	4 years of experience in information security analysis work	
1321	B11	INSPECTOR I	High school diploma or equivalent	1 year of experience performing compliance and enforcement inspection and analysis work.	** Preferred certifications/licensures: may require certification in a specialty area. ** Series may include additional program-specific requirements.
1322	B13	INSPECTOR II	High school diploma or equivalent	2 year of experience performing compliance and enforcement inspection and analysis work.	** Preferred certifications/licensures: may require certification in a specialty area. ** Series may include additional program-specific requirements.
1323	B15	INSPECTOR III	High school diploma or equivalent	3 year of experience performing compliance and enforcement inspection and analysis work.	** Preferred certifications/licensures: may require certification in a specialty area. ** Series may include additional program-specific requirements.
1324	B17	INSPECTOR IV	High school diploma or equivalent	4 year of experience performing compliance and enforcement inspection and analysis work.	** Preferred certifications/licensures: may require certification in a specialty area. ** Series may include additional program-specific requirements.
1325	B19	INSPECTOR V	High school diploma or equivalent	5 year of experience performing compliance and enforcement inspection and analysis work.	** Preferred certifications/licensures: may require certification in a specialty area. ** Series may include additional program-specific requirements.
1326	B21	INSPECTOR VI	High school diploma or equivalent	6 year of experience performing compliance and enforcement inspection and analysis work.	** Preferred certifications/licensures: may require certification in a specialty area. ** Series may include additional program-specific requirements.
1911	A10	INVENTORY AND STORE SPECIALIST I	High school diploma or equivalent	6 months of experience in property, accounting, retail sales, and inventory management work	

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1912	A12	INVENTORY AND STORE SPECIALIST II	High school diploma or equivalent	1 years of experience in property, accounting, retail sales, and inventory management work	
1913	A14	INVENTORY AND STORE SPECIALIST III	High school diploma or equivalent	2 years of experience in property, accounting, retail sales, and inventory management work	
1914	A16	INVENTORY AND STORE SPECIALIST IV	High school diploma or equivalent	3 years of experience in property, accounting, retail sales, and inventory management work	
1915	A18	INVENTORY AND STORE SPECIALIST V	High school diploma or equivalent	4 years of experience in property, accounting, retail sales, and inventory management work	
2050	B19	LAND SURVEYOR I	4-year degree (land surveying, geomatics, civil engineering, or related field is preferred) OR substitution	2 years of experience in land surveying work	Registered as a Professional Land Surveyor by the State of Texas and Licensed as a State Land Surveyor by the Texas Board of Profesional Land Surveying
2054	B21	LAND SURVEYOR II	4-year degree (land surveying, geomatics, civil engineering, or related field is preferred) OR substitution	3 years of experience in land surveying work	Registered as a Professional Land Surveyor by the State of Texas and Licensed as a State Land Surveyor by the Texas Board of Profesional Land Surveying
3565	A12	LEGAL SECRETARY I	High school diploma or equivalent	1 year of experience in administrative support or legal secretarial work	
3566	A14	LEGAL SECRETARY II	High school diploma or equivalent	2 year of experience in administrative support or legal secretarial work	
3567	A16	LEGAL SECRETARY III	High school diploma or equivalent	3 year of experience in administrative support or legal secretarial work	
3568	A18	LEGAL SECRETARY IV	High school diploma or equivalent	4 year of experience in administrative support or legal secretarial work	
3569	A20	LEGAL SECRETARY V	High school diploma or equivalent	5 year of experience in administrative support or legal secretarial work	
4421	A14	LICENSED VOCATIONAL NURSE I	Graduation from an approved vocational or practical nursing education program	Experience in nursing work	Licensed Vocational Nurse by the State of Texas or a state that recognizes reciprocity through the Nurse Licensure Compact
4422	A16	LICENSED VOCATIONAL NURSE II	Graduation from an approved vocational or practical nursing education program	6 months of experience in nursing work	Licensed Vocational Nurse by the State of Texas or a state that recognizes reciprocity through the Nurse Licensure Compact
4423	A17	LICENSED VOCATIONAL NURSE III	Graduation from an approved vocational or practical nursing education program	1 year of experience in nursing work	Licensed Vocational Nurse by the State of Texas or a state that recognizes reciprocity through the Nurse Licensure Compact
9041	A09	MAINTENANCE SPECIALIST I	High school diploma or equivalent	6 months experience in construction, maintenance, and repair work	
9042	A11	MAINTENANCE SPECIALIST II	High school diploma or equivalent	1 year of experience in construction, maintenance, and repair work	
9043	A12	MAINTENANCE SPECIALIST III	High school diploma or equivalent	2 years of experience in construction, maintenance, and repair work	
9044	A14	MAINTENANCE SPECIALIST IV	High school diploma or equivalent	3 years of experience in construction, maintenance, and repair work	
9045	A16	MAINTENANCE SPECIALIST V	High school diploma or equivalent	4 years of experience in construction, maintenance, and repair work	
9053	A15	MAINTENANCE SUPERVISOR I	High school diploma or equivalent	5 years of experience in maintenance PLUS 1 year in construction PLUS 1 year in supervisory work	
9054	A16	MAINTENANCE SUPERVISOR II	High school diploma or equivalent	6 years of experience in maintenance PLUS 2 year in construction PLUS 2 year in supervisory work	
9055	A17	MAINTENANCE SUPERVISOR III	High school diploma or equivalent	7 years of experience in maintenance PLUS 3 year in construction PLUS 3 year in supervisory work	
9056	A19	MAINTENANCE SUPERVISOR IV	High school diploma or equivalent	8 years of experience in maintenance PLUS 4 year in construction PLUS 5 year in supervisory work	
1860	B18	MANAGEMENT ANALYST I	4-year degree (business administration or related field is preferred) OR substitution	2 years of experience in management analysis, organizational development, or methods and systems work	
1862	B20	MANAGEMENT ANALYST II	4-year degree (business administration or related field is preferred) OR substitution	3 years of experience in management analysis, organizational development, or methods and systems work	
1864	B22	MANAGEMENT ANALYST III	4-year degree (business administration or related field is preferred) OR substitution	4 years of experience in management analysis, organizational development, or methods and systems work	
1866	B24	MANAGEMENT ANALYST IV	4-year degree (business administration or related field is preferred) OR substitution	5 years of experience in management analysis, organizational development, or methods and systems work	
1868	B26	MANAGEMENT ANALYST V	4-year degree (business administration or related field is preferred) OR substitution	6 years of experience in management analysis, organizational development, or methods and systems work	
1600	B22	MANAGER I	4-year degree (field relevant to the assignment)	1 year of relevant program experience PLUS 1 year of supervisory or managerial experience	

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1601	B23	MANAGER II	4-year degree (field relevant to the assignment)	2 years of relevant program experience PLUS 2 years of supervisory or managerial experience	
1602	B24	MANAGER III	4-year degree (field relevant to the assignment)	3 years of relevant program experience PLUS 3 years of supervisory or managerial experience	
1603	B25	MANAGER IV	4-year degree (field relevant to the assignment)	4 years of relevant program experience PLUS 4 years of supervisory or managerial experience	
1604	B26	MANAGER V	4-year degree (field relevant to the assignment)	6 years of relevant program experience PLUS 5 years of supervisory or managerial experience	
1605	B28	MANAGER VI	4-year degree (field relevant to the assignment)	7 years of relevant program experience PLUS 6 years of supervisory or managerial experience	
1606	B29	MANAGER VII	4-year degree (field relevant to the assignment)	9 years of relevant program experience PLUS 7 years of supervisory or managerial experience	
1822	B15	MARKETING SPECIALIST I	High school diploma or equivalent	3 years of full-time work experience	
1823	B17	MARKETING SPECIALIST II	High school diploma or equivalent	1 year of experience in marketing work	
1824	B19	MARKETING SPECIALIST III	High school diploma or equivalent	2 years of experience in marketing work	
1825	B21	MARKETING SPECIALIST IV	4-year degree (business administration, marketing, communications, or related field is preferred) OR substitution	3 years of experience in marketing work	
1826	B23	MARKETING SPECIALIST V	4-year degree (business administration, marketing, communications, or related field is preferred) OR substitution	4 years of experience in marketing work	
4383	A05	MEDICAL TECHNICIAN I	High school diploma or equivalent	1 year of experience in health care or patient care work	
4384	A07	MEDICAL TECHNICIAN II	High school diploma or equivalent	2 years of experience in health care or patient care work	
4385	A09	MEDICAL TECHNICIAN III	High school diploma or equivalent	3 years of experience in health care or patient care work	
4386	A11	MEDICAL TECHNICIAN IV	High school diploma or equivalent	4 years of experience in health care or patient care work	
4387	A13	MEDICAL TECHNICIAN V	High school diploma or equivalent	5 years of experience in health care or patient care work	
6501	B20	MILITARY SPECIALIST I	High school diploma or equivalent	No experience required	
6502	B22	MILITARY SPECIALIST II	High school diploma or equivalent	2 years of experience in functional title	
6503	B24	MILITARY SPECIALIST III	High school diploma or equivalent	4 years of experience in functional title PLUS 3 years supervisory experience	
6504	B27	MILITARY SPECIALIST IV	4-year degree	6 years experience in functional title PLUS 4 years supervisory experience	
6505	B30	MILITARY SPECIALIST V	4-year degree	8 years experience in functional title PLUS 6 years supervisory experience	
9416	A10	MOTOR VEHICLE TECHNICIAN I	High school diploma or equivalent	6 months of experience in motor vehicle maintenance and repair work	
9417	A12	MOTOR VEHICLE TECHNICIAN II	High school diploma or equivalent	1 year of experience in motor vehicle maintenance and repair work	
9418	A14	MOTOR VEHICLE TECHNICIAN III	High school diploma or equivalent	2 years of experience in motor vehicle maintenance and repair work	
9419	A16	MOTOR VEHICLE TECHNICIAN IV	High school diploma or equivalent	3 years of experience in motor vehicle maintenance and repair work	
9420	A18	MOTOR VEHICLE TECHNICIAN V	High school diploma or equivalent	4 years of experience in motor vehicle maintenance and repair work	
1840	A10	MULTIMEDIA TECHNICIAN I	High school diploma or equivalent (2-year degree in radio, television, film, communications, or a related field is preferred)	6 months of experience in audiovisual techniques	
1841	A11	MULTIMEDIA TECHNICIAN II	High school diploma or equivalent (2-year degree in radio, television, film, communications, or a related field is preferred)	1 year of experience in audiovisual techniques	
1842	A12	MULTIMEDIA TECHNICIAN III	High school diploma or equivalent (2-year degree in radio, television, film, communications, or a related field is preferred)	2 years of experience in audiovisual techniques	
1843	A13	MULTIMEDIA TECHNICIAN IV	High school diploma or equivalent (2-year degree in radio, television, film, communications, or a related field is preferred)	3 years of experience in audiovisual techniques	
2682	B15	NATURAL RESOURCES SPECIALIST I	4-year degree (natural science or related field is preferred) OR substitution	Experience in environmental quality, natural resources, botany, or agronomy work	
2683	B17	NATURAL RESOURCES SPECIALIST II	4-year degree (natural science or related field is preferred) OR substitution	1 year of highly specialized experience or 3 years' experience in environmental quality, natural resources botany, or agronomy work	

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2684	B19	NATURAL RESOURCES SPECIALIST III	4-year degree (natural science or related field is preferred) OR substitution	2 years of highly specialized experience or 4 years' experience in environmental quality, natural resources botany, or agronomy work	
2685	B21	NATURAL RESOURCES SPECIALIST IV	4-year degree (natural science or related field is preferred) OR substitution	3 years of highly specialized experience or 5 years' experience in environmental quality, natural resources botany, or agronomy work	
2685	B23	NATURAL RESOURCES SPECIALIST IV	4-year degree (natural science or related field is preferred) OR substitution	4 years of highly specialized experience or 6 years' experience in environmental quality, natural resources botany, or agronomy work	
0287	B16	NETWORK SPECIALIST I	4-year degree (computer science, management information systems, or related field is preferred) OR substitution	1 year of experience in local or wide area network	
0288	B18	NETWORK SPECIALIST II	4-year degree (computer science, management information systems, or related field is preferred) OR substitution	2 years of experience in local or wide area network	
0289	B20	NETWORK SPECIALIST III	4-year degree (computer science, management information systems, or related field is preferred) OR substitution	3 years of experience in local or wide area network	
0290	B22	NETWORK SPECIALIST IV	4-year degree (computer science, management information systems, or related field is preferred) OR substitution	4 years of experience in local or wide area network	
0291	B24	NETWORK SPECIALIST V	4-year degree (computer science, management information systems, or related field is preferred) OR substitution	5 years of experience in local or wide area network	
0292	B26	NETWORK SPECIALIST VI	4-year degree (computer science, management information systems, or related field is preferred) OR substitution	6 years of experience in local or wide area network	
4411	B19	NURSE I	2-year nursing degree program (ADN or ASN) approved by the State of Texas	1 year of professional nursing experience.	* Licensed as a registered nurse by the State of Texas * Cardiopulmonary resuscitation (CPR) certification
4412	B21	NURSE II	2-year nursing degree program (ADN or ASN) approved by the State of Texas	3 years of professional nursing experience.	* Licensed as a registered nurse by the State of Texas * Cardiopulmonary resuscitation (CPR) certification
4413	B23	NURSE III	4-year nursing degree program (BSN) approved by the State of Texas	3 years of professional nursing experience + 1 year of lead or supervisory experience.	* Licensed as a registered nurse by the State of Texas * Cardiopulmonary resuscitation (CPR) certification
4414	B25	NURSE IV	4-year nursing degree program (BSN) approved by the State of Texas	5 years of professional nursing experience + 2 years of lead or supervisory experience.	* Licensed as a registered nurse by the State of Texas * Cardiopulmonary resuscitation (CPR) certification
4415	B27	NURSE V	4-year nursing degree program (BSN) approved by the State of Texas	7 years of professional nursing experience + 3 year of lead or supervisory experience.	* Licensed as a registered nurse by the State of Texas * Cardiopulmonary resuscitation (CPR) certification
1290	A13	PAYROLL ASSISTANT	High school diploma or equivalent	Experience in payroll processing work	
1290	A13	PAYROLL ASSISTANT	High school diploma or equivalent	Experience in payroll processing work	
1291	B15	PAYROLL SPECIALIST I	4-year degree (accounting or related field is preferred) OR substitution	2 years of experience in payroll processing work	
1291	B15	PAYROLL SPECIALIST I	4-year degree (accounting or a related field is preferred) OR substitution	2 years of experience in payroll processing work	
1292	B17	PAYROLL SPECIALIST II	4-year degree (accounting or related field is preferred) OR substitution	3 years of experience in payroll processing work	
1292	B17	PAYROLL SPECIALIST II	4-year degree (accounting or a related field is preferred) OR substitution	3 years of experience in payroll processing work	
1293	B19	PAYROLL SPECIALIST III	4-year degree (accounting or related field is preferred) OR substitution	4 years of experience in payroll processing work	
1293	B19	PAYROLL SPECIALIST III	4-year degree (accounting or a related field is preferred) OR substitution	4 years of experience in payroll processing work	
1294	B21	PAYROLL SPECIALIST IV	4-year degree (accounting or related field is preferred) OR substitution	5 years of experience in payroll processing work	
1294	B21	PAYROLL SPECIALIST IV	4-year degree (accounting or a related field is preferred) OR substitution	5 years of experience in payroll processing work	
1295	B23	PAYROLL SPECIALIST V	4-year degree (accounting or related field is preferred) OR substitution	6 years of experience in payroll processing work	
1295	B23	PAYROLL SPECIALIST V	4-year degree (accounting or a related field is preferred) OR substitution	6 years of experience in payroll processing work	
0516	B17	PLANNER I	4-year degree (city or regional planning, economics, business or public administration, political science, or related field is preferred) OR substitution	2 years of experience in planning and research work	

CLASS CODE	SALARY GP	CLASSIFICATION TITLE	REQUIRED EDUCATION	REQUIRED EXPERIENCE	REQUIRED CERTIFICATIONS/LICENSURES
0517	B19	PLANNER II	4-year degree (city or regional planning, economics, business or public administration, political science, or related field is preferred) OR substitution	3 years of experience in planning and research work	
0518	B21	PLANNER III	4-year degree (city or regional planning, economics, business or public administration, political science, or related field is preferred) OR substitution	4 years of experience in planning and research work	
0519	B23	PLANNER IV	4-year degree (city or regional planning, economics, business or public administration, political science, or related field is preferred) OR substitution	5 years of experience in planning and research work	
0520	B25	PLANNER V	4-year degree (city or regional planning, economics, business or public administration, political science, or related field is preferred) OR substitution	6 years of experience in planning and research work	
9820	A14	PLUMBER I	High school diploma or equivalent	1 year of experience installing, maintaining and/or repairing plumbing systems and related components.	Licensed as a plumber by the by the State of Texas **(preferred certification/licensure) Master or Journeyman's Plumbing issued by the Texas State Board of Plumbing Examiners (TSBPE)
9822	A16	PLUMBER II	High school diploma or equivalent	2 years of experience installing, maintaining and/or repairing plumbing systems and related components.	Licensed as a plumber by the by the State of Texas **(preferred certification/licensure) Master or Journeyman's Plumbing issued by the Texas State Board of Plumbing Examiners (TSBPE)
9824	A18	PLUMBER III	High school diploma or equivalent	3 years of experience installing, maintaining and/or repairing plumbing systems and related components.	Licensed as a plumber by the by the State of Texas **(preferred certification/licensure) Master or Journeyman's Plumbing issued by the Texas State Board of Plumbing Examiners (TSBPE)
9826	A20	PLUMBER IV	High school diploma or equivalent	4 years of experience installing, maintaining and/or repairing plumbing systems and related components.	Licensed as a plumber by the by the State of Texas **(preferred certification/licensure) Master or Journeyman's Plumbing issued by the Texas State Board of Plumbing Examiners (TSBPE)
1570	B17	PROGRAM SPECIALIST I	4-year degree (field relevant to the assignment) OR substitution	1 year of experience in a field related to the agency program	
1571	B18	PROGRAM SPECIALIST II	4-year degree (field relevant to the assignment) OR substitution	2 years of experience in a field related to the agency program	
1572	B19	PROGRAM SPECIALIST III	4-year degree (field relevant to the assignment) OR substitution	3 years of experience in a field related to the agency program	
1573	B20	PROGRAM SPECIALIST IV	4-year degree (field relevant to the assignment) OR substitution	4 years of experience in a field related to the agency program	
1574	B21	PROGRAM SPECIALIST V	4-year degree (field relevant to the assignment) OR substitution	5 years of experience in a field related to the agency program	
1575	B23	PROGRAM SPECIALIST VI	4-year degree (field relevant to the assignment) OR substitution	6 years of experience in a field related to the agency program	
1576	B25	PROGRAM SPECIALIST VII	4-year degree (field relevant to the assignment) OR substitution	7 years of experience in a field related to the agency program	
1580	B17	PROGRAM SUPERVISOR I	4-year degree (field relevant to the assignment) OR substitution	1 year of experience in a field related to the agency program PLUS 1 year of supervisory experience	
1581	B18	PROGRAM SUPERVISOR II	4-year degree (field relevant to the assignment) OR substitution	2 years of experience in a field related to the agency program PLUS 2 years of supervisory experience	
1582	B19	PROGRAM SUPERVISOR III	4-year degree (field relevant to the assignment) OR substitution	3 years of experience in a field related to the agency program PLUS 3 years of supervisory experience	
1583	B20	PROGRAM SUPERVISOR IV	4-year degree (field relevant to the assignment) OR substitution	4 years of experience in a field related to the agency program PLUS 4 years of supervisory experience	
1584	B21	PROGRAM SUPERVISOR V	4-year degree (field relevant to the assignment) OR substitution	5 years of experience in a field related to the agency program PLUS 5 years of supervisory experience	
1586	B23	PROGRAM SUPERVISOR VI	4-year degree (field relevant to the assignment) OR substitution	6 years of experience in a field related to the agency program PLUS 6 years of supervisory experience	
1588	B25	PROGRAM SUPERVISOR VII	4-year degree (field relevant to the assignment) OR substitution	7 years of experience in a field related to the agency program PLUS 7 years of supervisory experience	
0241	B19	PROGRAMMER I	4-year degree (data processing, computer science, business, or related field is preferred) OR substitution	3 years of experience in computer programming work	
0242	B21	PROGRAMMER II	4-year degree (data processing, computer science, business, or related field is preferred) OR substitution	4 years of experience in computer programming work	
0243	B23	PROGRAMMER III	4-year degree (data processing, computer science, business, or related field is preferred) OR substitution	5 years of experience in computer programming work	

CLASS CODE	SALARY GP	CLASSIFICATION TITLE	REQUIRED EDUCATION	REQUIRED EXPERIENCE	REQUIRED CERTIFICATIONS/LICENSURES
0244	B25	PROGRAMMER IV	4-year degree (data processing, computer science, business, or related field is preferred) OR substitution	6 years of experience in computer programming work	
0245	B27	PROGRAMMER V	4-year degree (data processing, computer science, business, or related field is preferred) OR substitution	7 years of experience in computer programming work	
0246	B28	PROGRAMMER VI	4-year degree (data processing, computer science, business, or related field is preferred) OR substitution	8 years of experience in computer programming work	
1660	B19	PROJECT MANAGEMENT SPECIALIST I	4-year degree (field relevant to the assignment) OR substitution	2 years of experience in a field relevant to the project assignment	
1661	B21	PROJECT MANAGEMENT SPECIALIST II	4-year degree (field relevant to the assignment) OR substitution	3 years of experience in a field relevant to the project assignment	
1662	B23	PROJECT MANAGEMENT SPECIALIST III	4-year degree (field relevant to the assignment) OR substitution	4 years of experience in a field relevant to the project assignment	
1558	B20	PROJECT MANAGER I	4-year degree (field relevant to the assignment) OR substitution	2 years of experience in project management in areas relevant to project assignment	
1559	B22	PROJECT MANAGER II	4-year degree (field relevant to the assignment) OR substitution	5 years of experience in project management in areas relevant to project assignment	
1560	B24	PROJECT MANAGER III	4-year degree (field relevant to the assignment) OR substitution	7 years of experience in project management in areas relevant to project assignment	
1561	B25	PROJECT MANAGER IV	4-year degree (field relevant to the assignment) OR substitution	10 years of experience in project management in areas relevant to project assignment	
1562	B28	PROJECT MANAGER VI	4-year degree (field relevant to the assignment) OR substitution	12 years of experience in project management in areas relevant to project assignment	
1990	B17	PROPERTY MANAGER I	4-year degree (business administration or related field is preferred) OR substitution	2 years of experience in property management work	
1992	B19	PROPERTY MANAGER II	4-year degree (business administration or related field is preferred) OR substitution	3 years of experience in property management work	
1994	B21	PROPERTY MANAGER III	4-year degree (business administration or related field is preferred) OR substitution	4 years of experience in property management work	
1995	B23	PROPERTY MANAGER IV	4-year degree (business administration or related field is preferred) OR substitution	5 years of experience in property management work	
1930	B12	PURCHASER I	High school diploma or equivalent	1 year of experience in the purchasing and procurement of goods and services	
1931	B14	PURCHASER II	High school diploma or equivalent	2 year of experience in the purchasing and procurement of goods and services	
1932	B16	PURCHASER III	High school diploma or equivalent	3 year of experience in the purchasing and procurement of goods and services	
1933	B18	PURCHASER IV	4-year degree (business administration, public administration, or related field is preferred) OR substitution	4 year of experience in the purchasing and procurement of goods and services	Certified Texas Contract Developer (CTCD) (Formerly known as Certified Texas Purchasing Manager (CTPM))
1934	B20	PURCHASER V	4-year degree (business administration, public administration, or related field is preferred) OR substitution	5 year of experience in the purchasing and procurement of goods and services	Certified Texas Contract Developer (CTCD) (Formerly known as Certified Texas Purchasing Manager (CTPM))
1935	B22	PURCHASER VI	4-year degree (business administration, public administration, or related field is preferred) OR substitution	6 year of experience in the purchasing and procurement of goods and services	Certified Texas Contract Developer (CTCD) (Formerly known as Certified Texas Purchasing Manager (CTPM))
0006	A09	RECEPTIONIST	High school diploma or equivalent	Experience in operating a switchboard and receptionist, clerical, or data entry work	
2761	B17	RESCUE SPECIALIST I	High school diploma or equivalent	Experience combatting fires and rescuing crew and passengers (preferred experience with airfield operations, crashes, and accidents)	Pre-req: Fire Fighter II, HAZMAT Operations, Airport Firefighter, Driver/Operator/Pumper, Driver/Operator/Aircraft Resuce Firefighting//ADDITIONAL: Telecommunicator I and II, D0D Rescue Technician I, HAZMAT Technician, EMT-B, Driver Operator Mobile Water Supply
2762	B19	RESCUE SPECIALIST II	High school diploma or equivalent	2 years of experience combatting fires and rescuing crew and passengers (preferred experience with airfield operations, crashes, and accidents)	Pre-req: Fire Fighter II, HAZMAT Operations, Airport Firefighter, Driver/Operator/Pumper, Driver/Operator/Aircraft Resuce Firefighting//ADDITIONAL: Telecommunicator I and II, D0D Rescue Technician I, HAZMAT Technician, EMT-B, Driver Operator Mobile Water Supply

CLASS CODE	SALARY GP	CLASSIFICATION TITLE	REQUIRED EDUCATION	REQUIRED EXPERIENCE	REQUIRED CERTIFICATIONS/LICENSURES
2763	B21	RESCUE SPECIALIST III	High school diploma or equivalent	3 years of experience combatting fires and rescuing crew and passengers (preferred experience with airfield operations, crashes, and accidents)	Pre-req: Fire Fighter II, HAZMAT Operations, Airport Firefighter, Driver/Operator/Pumper, Driver/Operator/Aircraft Resuce Firefighting//ADDITIONAL: Telecommunicator I and II, D0D Rescue Technician I, HAZMAT Technician, EMT-B, Driver Operator Mobile Water Supply
0600	B15	RESEARCH SPECIALIST I	4-year degree (business or public administration, computer science, statistical analysis, research methodology, library methods, or related field is preferred) OR substitution	1 year of experience in research and planning work	
0602	B17	RESEARCH SPECIALIST II	4-year degree (business or public administration, computer science, statistical analysis, research methodology, library methods, or related field is preferred) OR substitution	2 years of experience in research and planning work	
0604	B19	RESEARCH SPECIALIST III	4-year degree (business or public administration, computer science, statistical analysis, research methodology, library methods, or related field is preferred) OR substitution	3 years of experience in research and planning work	
0606	B21	RESEARCH SPECIALIST IV	4-year degree (business or public administration, computer science, statistical analysis, research methodology, library methods, or related field is preferred) OR substitution	4 years of experience in research and planning work	
0608	B23	RESEARCH SPECIALIST V	4-year degree (business or public administration, computer science, statistical analysis, research methodology, library methods, or related field is preferred) OR substitution	5 years of experience in research and planning work	
5201	A07	RESIDENT SPECIALIST I	High school diploma or equivalent	Some work experience	
5203	A09	RESIDENT SPECIALIST II	High school diploma or equivalent	1 year of full-time work experience	
5205	A11	RESIDENT SPECIALIST III	High school diploma or equivalent	2 years of full-time work experience	
5207	A13	RESIDENT SPECIALIST IV	High school diploma or equivalent	1 year of experience working with individuals in a residential or dorm-type facility <u>or</u> as cadre with a Texas ChalleNGe Academy (TCA) (preferred experience working with adolescents and youth in a residentiary or dorm facility).	
5209	A15	RESIDENT SPECIALIST V	High school diploma or equivalent	2 years of experience working with individuals in a residential or dorm-type facility <u>or</u> as cadre with a Texas ChalleNGe Academy (TCA) (preferred experience working with adolescents and youth in a residentiary or dorm facility).	
6229	A07	SECURITY OFFICER I	High school diploma or equivalent	No experience required.	
6229	A07	SECURITY OFFICER I	High school diploma or equivalent	No experience required.	
6230	A09	SECURITY OFFICER II	High school diploma or equivalent	No experience required.	
6230	A09	SECURITY OFFICER II	High school diploma or equivalent	6 months of experience in a peace officer, law enforcement, military, or security related role	
6232	A11	SECURITY OFFICER III	High school diploma or equivalent	1 year of experience in a peace officer, law enforcement, military, or security related role	
6232	A11	SECURITY OFFICER III	High school diploma or equivalent	1 year of experience in a peace officer, law enforcement, military, or security related role	
6232	A11	SECURITY OFFICER III (a)	High school diploma or equivalent	1 year of experience in a peace officer, law enforcement, military, or security related role + additional duty specific qualifications	
6234	A13	SECURITY OFFICER IV	High school diploma or equivalent	2 years of experience in a peace officer, law enforcement, military, or security related role	
6234	A13	SECURITY OFFICER IV	High school diploma or equivalent	2 years of experience in a peace officer, law enforcement, military, or security related role	
6234	A13	SECURITY OFFICER IV (a)	High school diploma or equivalent	2 years of experience in a peace officer, law enforcement, military, or security related role + 1 year of supervisory or team lead experience	
6234	A13	SECURITY OFFICER IV (a)	High school diploma or equivalent	2 years of experience in a peace officer, law enforcement, military, or security related role + 1 year of supervisory or team lead experience	
6234	A13	SECURITY OFFICER IV (s)	High school diploma or equivalent	3 years of experience in a peace officer, law enforcement, military, or security related role + 2 year of supervisory or team lead experience	

CLASS CODE	SALARY GP	CLASSIFICATION TITLE	REQUIRED EDUCATION	REQUIRED EXPERIENCE	REQUIRED CERTIFICATIONS/LICENSURES
6236	A15	SECURITY OFFICER V	High school diploma or equivalent	4 years of experience in a peace officer, law enforcement, military, or security related role + 3 years of supervisory or team lead experience	
6236	A15	SECURITY OFFICER V	High school diploma or equivalent	3 years of experience in a peace officer, law enforcement, military, or security related role + 2 years of supervisory or team lead experience	
1550	B17	STAFF SERVICES OFFICER I	4-year degree (human resources, public or business administration, or related field preferred) OR substitution	1 year of experience in office management, human resources administration, staff support, program management, and/or fiscal management activities such as budgeting, accounting, purchasing, or payroll.	Basic Texas Purchaser Course (if purchasing activities comprise more than 15% of job duties or in excess of \$10,000 per CPA) // Series may include additional program-specific requirements
1551	B18	STAFF SERVICES OFFICER II	4-year degree (human resources, public or business administration, or related field preferred) OR substitution	2 years of experience in office management, human resources administration, staff support, program management, and/or fiscal management activities such as budgeting, accounting, purchasing, or payroll.	Basic Texas Purchaser Course (if purchasing activities comprise more than 15% of job duties or in excess of \$10,000 per CPA) // Series may include additional program-specific requirements
1552	B19	STAFF SERVICES OFFICER III	4-year degree (human resources, public or business administration, or related field preferred) OR substitution	3 years of experience in office management, human resources administration, staff support, program management, and/or fiscal management activities such as budgeting, accounting, purchasing, or payroll.	Basic Texas Purchaser Course (if purchasing activities comprise more than 15% of job duties or in excess of \$10,000 per CPA) // Series may include additional program-specific requirements
1553	B20	STAFF SERVICES OFFICER IV	4-year degree (human resources, public or business administration, or related field preferred) OR substitution	4 years of experience in office management, human resources administration, staff support, program management, and/or fiscal management activities such as budgeting, accounting, purchasing, or payroll.	Basic Texas Purchaser Course (if purchasing activities comprise more than 15% of job duties or in excess of \$10,000 per CPA) // Series may include additional program-specific requirements
1554	B21	STAFF SERVICES OFFICER IV	4-year degree (human resources, public or business administration, or related field preferred) OR substitution	5 years of experience in office management, human resources administration, staff support, program management, and/or fiscal management activities such as budgeting, accounting, purchasing, or payroll.	Basic Texas Purchaser Course (if purchasing activities comprise more than 15% of job duties or in excess of \$10,000 per CPA) // Series may include additional program-specific requirements
0252	B16	SYSTEM ANALYST I	4-year degree (computer science, computer information systems, management information systems, or related field is preferred) OR substitution	Experience in systems analysis and design work	
0253	B18	SYSTEM ANALYST II	4-year degree (computer science, computer information systems, management information systems, or related field is preferred) OR substitution	1 year of experience in systems analysis and design work	
0254	B20	SYSTEM ANALYST III	4-year degree (computer science, computer information systems, management information systems, or related field is preferred) OR substitution	2 years of experience in systems analysis and design work	
0255	B22	SYSTEM ANALYST IV	4-year degree (computer science, computer information systems, management information systems, or related field is preferred) OR substitution	3 years of experience in systems analysis and design work	
0256	B24	SYSTEM ANALYST V	4-year degree (computer science, computer information systems, management information systems, or related field is preferred) OR substitution	4 years of experience in systems analysis and design work	
0257	B26	SYSTEM ANALYST VI	4-year degree (computer science, computer information systems, management information systems, or related field is preferred) OR substitution	5 years of experience in systems analysis and design work	
0258	B28	SYSTEM ANALYST VII	4-year degree (computer science, computer information systems, management information systems, or related field is preferred) OR substitution	6 years of experience in systems analysis and design work	
0310	B16	SYSTEMS ADMINISTRATOR I	4-year degree (computer science, management information systems, or related field is preferred) OR substitution	Experience in systems administration work	
0311	B18	SYSTEMS ADMINISTRATOR II	4-year degree (computer science, management information systems, or related field is preferred) OR substitution	1 year of experience in systems administration work	
0312	B20	SYSTEMS ADMINISTRATOR III	4-year degree (computer science, management information systems, or related field is preferred) OR substitution	2 years of experience in systems administration work	
0313	B22	SYSTEMS ADMINISTRATOR IV	4-year degree (computer science, management information systems, or related field is preferred) OR substitution	3 years of experience in systems administration work	
0314	B24	SYSTEMS ADMINISTRATOR V	4-year degree (computer science, management information systems, or related field is preferred) OR substitution	4 years of experience in systems administration work	

CLASS CODE	SALARY GP	CLASSIFICATION TITLE	REQUIRED EDUCATION	REQUIRED EXPERIENCE	REQUIRED CERTIFICATIONS/LICENSURES
0315	B26	SYSTEMS ADMINISTRATOR VI	4-year degree (computer science, management information systems, or related field is preferred) OR substitution	5 years of experience in systems administration work	
0228	B13	SYSTEMS SUPPORT SPECIALIST I	High school diploma or equivalent	1 year of experience in computer systems support work	
0229	B15	SYSTEMS SUPPORT SPECIALIST II	High school diploma or equivalent	2 years of experience in computer systems support work	
0230	B17	SYSTEMS SUPPORT SPECIALIST III	High school diploma or equivalent	3 years of experience in computer systems support work	
0231	B19	SYSTEMS SUPPORT SPECIALIST IV	High school diploma or equivalent	4 years of experience in computer systems support work	
0812	A09	TEACHER AIDE I	High school diploma or equivalent	Experience in child care work or training in a child-related field	
0813	A11	TEACHER AIDE II	High school diploma or equivalent	Experience in child care work or training in a child-related field	
0814	A13	TEACHER AIDE III	High school diploma or equivalent	Experience in child care work or training in a child-related field	
1870	B18	TECHNICAL WRITER I	4-year degree (business administration, English, education, or related field is preferred) OR substitution	1 year of experience in technical writing, journalism or communications work	
1871	B20	TECHNICAL WRITER II	4-year degree (business administration, English, education, or related field is preferred) OR substitution	2 years of experience in technical writing, journalism or communications work	
1872	B22	TECHNICAL WRITER III	4-year degree (business administration, English, education, or related field is preferred) OR substitution	3 years of experience in technical writing, journalism or communications work	
0282	B18	TELECOMMUNICATIONS SPECIALIST I	High school diploma or equivalent	2 years of experience with electronics or telecommunications installation and maintenance work	
0283	B20	TELECOMMUNICATIONS SPECIALIST II	High school diploma or equivalent	3 years of experience with electronics or telecommunications installation and maintenance work	
0284	B22	TELECOMMUNICATIONS SPECIALIST III	High school diploma or equivalent	4 years of experience with electronics or telecommunications installation and maintenance work	
0285	B24	TELECOMMUNICATIONS SPECIALIST IV	High school diploma or equivalent	5 years of experience with electronics or telecommunications installation and maintenance work	
1781	B13	TRAINING AND DEVELOPMENT SPECIALIST I	4-year degree (human resources, organizational development, education, or related field is preferred)	1 year of experience in training work specific to STARBASE	
1782	B15	TRAINING AND DEVELOPMENT SPECIALIST II	4-year degree (human resources, organizational development, education, or related field is preferred)	2 year of experience in training work specific to STARBASE	
1783	B17	TRAINING AND DEVELOPMENT SPECIALIST III	4-year degree (human resources, organizational development, education, or related field is preferred)	3 year of experience in training work specific to STARBASE	Teaching certificate
1784	B19	TRAINING AND DEVELOPMENT SPECIALIST IV	4-year degree (human resources, organizational development, education, or related field is preferred)	4 year of experience in training work specific to STARBASE	Teaching certificate
1785	B21	TRAINING AND DEVELOPMENT SPECIALIST V	4-year degree (human resources, organizational development, education, or related field is preferred)	5 year of experience in training work specific to STARBASE	Teaching certificate
1786	B23	TRAINING AND DEVELOPMENT SPECIALIST VI	4-year degree (human resources, organizational development, education, or related field is preferred)	6 year of experience in training work specific to STARBASE	Teaching certificate
1780	B11	TRAINING ASSISTANT	4-year degree (human resources, organizational development, education, or related field is preferred)	Experience in training work	



TEXAS MILITARY DEPARTMENT

STATE EMPLOYEE
POLICIES & PROCEDURES
MANUAL
Number 1200.01

Appendix 6

TMD Merit Actions

1 September 2023

Merit Salary Increases and One-Time Merit Payment Guidelines

1. Overview. By agency policy, merit actions for state employees are generally considered during an annual review period. Merit awards consist of either:

a. A merit salary increase (i.e., a base salary increase within the employee's salary group);
or

b. A one-time merit payment (i.e., a single payment to the employee that does not change the employee's base salary).

2. General Guidance.

a. Merit Actions Must Meet Statutory Requirements. Statute requires that employees who receive merit rewards must be consistent high performers. This means that not only do they perform their expected job duties well, but that their performance and productivity are consistently above normal expectations.

b. Merit awards for each Fiscal Year (FY) are processed in accordance with this Appendix and any supplemental guidance directed by the Adjutant General or the Director of State Administration.

b. Before any merit salary increase or one-time merit payment is given, the requesting supervisor/manager shall confirm that there is funding available in the program's budget for the requested action. For merit salary increases, this means that permanent funding is available (i.e., the program's budget can handle the increase in the employee's base salary on a lasting or continued basis).

c. Any individual base salary increases greater than 10% requires a detailed justification submitted with the merit request. OSA HR will prepare the documents for final approval by the Adjutant General or Director of State Administration.

d. Subject to exceptional circumstances, merit awards are not intended to be given on an "across-the-board" basis, but instead awarded for employee job performance and productivity that have been consistently above the normal expected levels for the position. Programs seeking a good cause exception to the "across-the-board" imitation must include a detailed justification statement explaining why the exception is reasonable and appropriate

e. Incomplete submissions will be returned to the requestor for required action(s).

f. Proposed actions that exceed the availability of a programs funding will be returned to the requester without action unless submitted as an "unfunded request" (see paragraph X.5.).

3. Eligibility Requirements.

a. A classified employee must have completed six months of continuous service with the Texas Military Department before any merit award.

Note. Employees who have been on leave without pay for a full calendar month cannot count that time toward their six continuous months of service. An exception is military leave without pay, which would not affect an employee's merit eligibility.

b. At least six months must have passed since the last salary action (e.g., promotion, reclassification with salary change, one-time merit payment, emergency one-time merit payment, etc.) for the employee.

c. A current, written performance appraisal conducted within the last 12 months must be on file in OSA HR. See (d) below for required performance ratings.

d. An employee's job performance and productivity must be consistently above the normal or expected levels. The performance evaluation form must show at least one rating of 4 (Exceeds Job Expectations) and must not include a 1 (Unsatisfactory) or 2 (Needs Improvement) rating.

e. Statutorily required training (e.g., Equal Employment Opportunity (EEO), Sexual Harassment, Human Trafficking, and Cybersecurity) must be current and proof of completion on file with OSA HR.

d. The employee must be on State Salary Classification Schedule A or B for a merit salary increase.

f. Employees on temporary assignment or currently under a disciplinary reduction are not eligible to receive a merit increase or one-time merit payment.

4. Procedures.

a. Generally, merit salary increases and one-time merit payments may be submitted annually in July.

b. Exceptions.

1) Out-of-Cycle Merits. A merit reward may be given at other times if the reason for the exception is detailed in writing and approved in advance by the Adjutant General or Director of State Administration.

2) Outstanding Performance During an Emergency or Other Event.

a. A one-time merit payment for outstanding performance during an emergency or other

unusual situation may be given at any time subject to the availability of funds.

b. A request made under this exception must include a description of the emergency or other situation and a detailed justification statement.

c. The Adjutant General or Director of State Administration must validate the emergency or other extraordinary circumstance.

c. Schedule A Employees. A merit salary increase must be at least \$30 per month. The increase is limited to a salary at or below the maximum of the employee's salary group.

d. Schedule B Employees. There is no specified minimum for a merit salary increase. However, the increase cannot cause the employee's salary to exceed the maximum of the employee's salary group.

e. Employees on any State Salary Classification Schedule are eligible for one-time merit payments. There is no statutory limitation to a certain percentage or amount for a one-time merit payment (including an emergency one-time payment). However, Adjutant General may establish a maximum one-time merit payment amount based on available funds in the agency budget.

f. Requesting supervisors/program managers must confirm funding prior to submitting requests to OSA HR. The OSA Chief Financial Officer (CFO) or assigned Budget Analyst will verify the availability of GR funding for each Program's proposed merit action(s). This may be done by contacting the assigned Budget Analyst directly or by submitting requests via email to budget@military.texas.gov.

g. Merit Requests for General Revenue (GR) Funded Positions (includes 100% GR and Partial GR).

1) Effective date of merit actions must be either July 1 or August 1 **only**.

2) One-time merits - funds must be available in the Program's current budget.

3) Base salary increases - funds must be available in the Program's current budget to sustain the salary increase through the next fiscal year.

h. Merit Requests for 100% Federally Reimbursed Positions.

1) Effective date of merit actions must be either July 1, August 1, or October 1.

2) One-time merits - funds must be available in the Program's current budget.

3) Base salary increases effective **1 July or 1 August** - funds must be available in the Program's current budget and the next fiscal year's budget to sustain the salary increase.

i. The Personnel Action Form (PAF) and any required supporting documentation must be

submitted to TMD State HR at hr@military.texas.gov at least **two (2) weeks** prior to the desired effective date. Late requests may require adjustment to the effective date by State HR due to payroll processing deadlines.

j. Once merit actions are processed and finalized, State HR will notify the requester of the approval and the effective date.

k. Managers should not notify employees of merit actions until receiving confirmation from State HR that the requested action has been approved.

5. Requesting Contingency/Unfunded General Revenue (GR) Merit Actions.

a. There are no set-aside General Revenue (GR) funds for state employee merit actions.

b. Programs without funds available to give merit awards, including one-time payment awards, may request consideration of one-time merit payments for eligible employee's contingent upon the availability of excess funds from other program areas.

c. Requests must meet all requirements outlined in this Appendix.

d. The effective date for any merit requests under this contingency is **1 August (only)**.

e. The submitted Personnel Action Form (PAF) must include "Unfunded Request" in the remarks section to identify the request for contingency consideration.

f. Unfunded request approval is determined by the Director of State Administration with the concurrence of the Adjutant General and is based on funds availability.

6. Additional Considerations for Merit Actions.

Beyond the statutory requirements, factors that should be considered when evaluating the award, type and amount of any merit salary increase or one-merit payment, include, but are not limited to:

a. The total funds available (what amount is available for one-time payments and what annualized amount is available for a regular merit salary increase).

b. Recommendation of the employee's immediate supervisor.

c. Whether the employee is at or near the maximum rate for their salary group.

d. The employee's current salary level as compared to other comparable positions within the program or agency (e.g., a larger percentage increase may be appropriate if the employee's salary

lags behind those in comparable positions; or a one-time merit payment may be appropriate if an employee's salary is substantially above other high performers performing the same or similar duties or is at the maximum of the pay range).

e. Whether the employee's current salary is below the salary range midpoint.

f. The time period that has lapsed since the employee's last salary action and the nature of that action (e.g., a merit salary increase or a one-time merit payment).

g. The total salary adjustments for the employee in the past 12 months (including merits, promotions, equity adjustments, etc.).

h. Whether the employee has been eligible for a merit salary increase or one-time merit payment for more than one review period but has not received an award due to budget restrictions.

i. Whether the employee's job requires specialized training and would be hard to replace (e.g., a programmer for a custom computer program).

j. Whether merit-based compensation can be applied as a meaningful retention strategy for high performers.

k. Performance distribution ratings within departments are generally expected to fall within the following approximate percentages:

- 33% *Consistently Exceeds Expectations*
- 56% *Meets Expectations*
- 11% *Developing (Gaining Proficiency) or Needs Improvement*



TEXAS MILITARY DEPARTMENT

STATE EMPLOYEE
POLICIES & PROCEDURES
MANUAL
Number 1200.01

Appendix 7

Military Leave Procedures

1 September 2023

MILITARY LEAVE PROCEDURES (LEAVE FOR DEPLOYMENTS OR TRAININGS)

Employee and **Supervisor** must complete the following steps **PRIOR** to **Employee** embarking on military leave for deployment or training:

Please check type of Military Leave:

SHORT TERM (Military Leave under 30 days)

EXTENDED (Military Leave over 30 days)

Employee is responsible for the following actions before or during Military Leave:

- 1) Contacting **Supervisor** and **Office of State Administration (OSA) Human Resources Office (HR)** if resigning from his/her State position or requesting a Leave of Absence for military duty.
- 2) Consulting the following **OSA Personnel** **PRIOR** to beginning military leave:
 - a. **OSA HR Benefits Coordinator** - will counsel employee on how to reduce or waive Insurance or TexFlex benefits, and TexaSaver deductions while out on Military leave and how to re-instate the benefits once employee returns to work. **OSA Benefits Coordinator** will also coordinate with **OSA Time & Leave Specialist** to ensure enough paid leave is used to cover benefits election or state-paid health insurance contribution.
 - b. **OSA HR Time & Leave Specialist** - will counsel employee on how much leave is available to use while on Military Leave of absence and provide a copy and explanation of the USERRA policy. **OSA HR Time & Leave Specialist** will assist in completion of timesheets in CAPPs if **Supervisor** or **Employee** are unable to do so.
 - c. **OSA Payroll Officer** - will counsel employee regarding how to handle other deductions, such as child support garnishments, deferred compensation contributions (including 401(k) or 457 plan loans), tax levies, etc. and will assist in calculating Military Differential Pay (if applicable).
- 3) Updating his/her timesheet(s) by making the entries in CAPPs **PRIOR** to departure for deployment or other military orders. **NOTE: Leave can be entered up to 90 days in advance in CAPPs.**
- 4) Submitting a Military Leave Authorization Memo allowing the **OSA HR office** or other designee (such as the **Supervisor** or authorized Time Administrator) to complete timesheets in CAPPs if the **Employee** is unable to do so.
- 5) **MUST** provide a copy of the Military Orders (or other acceptable written authorization) or any Amended or Extended Military orders to **Supervisor** and **OSA HR Time & Leave Specialist** for the period of Military Leave.
- 6) Does the **Employee's** current work schedule differ from than the standard 8 hour a day schedule?

YES – OSA HR recommends a temporary change to 8 hour a day schedule while on orders. This recommendation prevents the Cascade Rule from deducting excess leave during State and Agency Holidays. (Please fill out the attached Work Schedule Change Memo)

NO

Supervisor is responsible for the following actions before and during the period the **Employee** is on Military Leave:

- a) **IMMEDIATELY** notifying **OSA HR** when military leave has been requested.
- b) **IMMEDIATELY** schedule and complete State Employee Performance Evaluation Form prior to **Employee's** deployment. Contact State HR at 512-782-5133 with questions.
- c) **IMMEDIATELY** reporting any changes made to time recorded on the timesheets to the **OSA HR Time & Leave Specialist or OSA HR personnel. (EX: Military LWOP to Military Paid or Other Paid Leave)**
- d) Ensuring that any **Military Leave Without Pay** is entered and **APPROVED** prior to payroll deadline (10th of every month) to avoid any overpayment or other issues with **Employee's** benefits and pay.
- e) To **"APPROVE"** and **"CERTIFY"** **Employee's** timesheet by the 10th of the month if **Employee** is unable to do so.

Return from Military Duty

- **Supervisor** is responsible for notifying **OSA Time & Leave Specialist IMMEDIATELY** when the employee returns from military training or deployment. **Employee** has certain re-employment rights as stated under USERRA.
- **Employee** must contact the **OSA HR IMMEDIATELY** to ensure all benefits, payroll deductions, and leave accruals are reinstated upon return to work.

As an **Employee**, I hereby acknowledge that the procedures stated above will be followed to ensure that my benefits, leave and/or pay is processed correctly as per OSA HR and Payroll guidelines.

Employee Signature

Date

As a **Supervisor**, I hereby acknowledge that the procedures stated above will be followed to ensure that the **Employee's** benefits, leave, and/or pay is processed correctly as per OSA HR and Payroll guidelines.

Supervisor Signature

Date

Attachments:

- Military Leave Authorization Memorandum
- Benefits Form (If Waiving Benefits)
- Work Schedule Change Form (If Applicable)
- State Employee Performance Evaluation Form
- USERRA Rights



**MEMORANDUM FOR THE OFFICE OF STATE ADMINISTRATION (OSA)
HUMAN RESOURCES OFFICE**

DATE:

TO: OSA Human Resources Office

FROM:

RE: Extended Military Leave of Absence

I, _____, am providing OSA Human Resources Office with a copy of my military orders (attached) beginning _____ and ending _____. During my military leave of absence, the following will apply:

- **Insurance Coverage Election:**

I wish to waive or reduce my level of insurance coverage; I have submitted a Benefits Election form to the OSA HR Benefits Coordinator; and

If I wish to keep any insurance coverage, I understand it is my responsibility to ensure that the monthly insurance premium is paid either through payroll deduction or through direct payment to the Texas Military Department or the Employees' Retirement System (depending on LWOP circumstance.)

- **Leave Used:** It is my intent to remain on the TMD payroll by utilizing my military leave and other available banked leave as determined prior to my departure. I wish to use my military leave or other banked leave in increments of _____ hours each month.
- **Timesheet Authorization:** I authorize a member of OSA Human Resources or other designee _____ to complete and certify monthly timesheet(s) in CAPPS on my behalf during my military leave of absence.
- **Leave Accrual and State Service Credit:** I understand that by remaining in a paid leave status each month, I will receive state service credit and sick and annual leave accruals. Leave accruals will only be available to me upon my return to state employment.
- **Return to Work:** I understand that it is my responsibility to notify my supervisor regarding my return to work date and contact the OSA HR Benefits Coordinator immediately upon my return to work to reinstate any insurance coverage waived.
- **Extended or Amended Orders:** I understand that if my military orders change or extended, I will notify OSA Human Resources office and will furnish a copy of my new orders.

Employee Name

Date

CF: Employee
Supervisor
OSA HR Time & Leave Specialist
OSA HR Benefits Coordinator



Texas Military Department

Work Schedule Request

Check one of the following: (Note: Each workweek must total 40 work hours)

- Standard Work Schedule** (Monday through Friday, 8-hours per day)
- Compressed/Flexible Schedule** (4 days per week at 10-hours per day, etc.)

EMPLOYEE NAME: _____ EMPLID: _____

DEPARTMENT: _____ EFFECTIVE DATE: _____

INSTRUCTIONS: In the 'Start Time-End Time', 'Lunch Period', and 'Physical Fitness Period' columns, enter the specific hours for each day (e.g., 8am-12pm, 1pm-5pm). In the "Work Hours" column, enter the number of work hours for each day. The last row, 'Total Workweek Hours', will auto-calculate. *Full-time employees must schedule 40 work hours during the workweek.

Day	Start Time - End Time	Lunch Period	Work Hours	**Telework Day(s)	***Physical Fitness Period
Sunday					
Monday					
Tuesday					
Wednesday					
Thursday					
Friday					
Saturday					
*TOTAL WORKWEEK HOURS:				**must have an approved telework agreement	***3 hours authorized per week

CERTIFICATION: I request permission to work the schedule outlined above. If my request includes a compressed/flexible schedule or telework, I confirm that my work can be accomplished within the above schedule with no loss of effectiveness, efficiency, customer service, or disruption to operations or others in my department. I understand that all approvals must be obtained in advance, prior to the commencement of this request. I understand that my supervisor may require me at any time and for any reason to return to the standard departmental work schedule, and I agree to do so upon request. I understand that telework requires an approved telework agreement and that my supervisor may terminate telework based on my performance or mission requirements at any time and for any reason (supervisors will give as much advance notice as possible).

Employee Signature *Date*

Immediate Supervisor Printed Name *Signature* *Date*

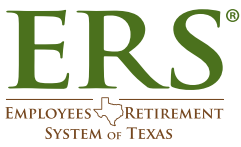
Next Level Supervisor Printed Name *Signature* *Date*

FOR OSA HR USE ONLY

DATE RECEIVED:	
DATE PROCESSED:	
REMARKS:	

Submit completed form to the OSA HR Office at HR@military.texas.gov.

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge.



BENEFITS ELECTION FORM

You may complete your benefits election either by:

- Using your online account at www.ers.texas.gov, or
- Sending this completed form to your benefits coordinator or HHS Employee Service Center for employees at HHS Enterprise agencies

**Information provided to ERS is maintained for managing your benefits.
If you have questions about your information, or believe that information provided to ERS may be incorrect,
please notify your benefits coordinator or HHS Employee Service Center.**

SECTION A: EMPLOYEE DATA (To be completed by employee.)

Social Security Number/National ID (SSN)		Employee ID		First Active Duty Date	
Employee Name: First, MI, Last		Eligibility County		Mailing Address	
City		State		ZIP Code	
Email Address		Gender		Date of Birth	
Agency Name		Dept ID/Agency Number		Employee Class	
Employee SSN/National ID Correction		Employee Name Change or Correction		Date of Birth Correction	

Please provide this information, as it could affect the waiting period for your medical insurance.

- Were you covered as a dependent under the Texas Employees Group Benefits Program (GBP) at the time of your hire? Yes No
If yes, please provide the Social Security number of the person covering you: _____
- Are you a University of Texas (UT) or Texas A&M University (TAMU) employee or dependent transferring to this GBP-participating agency or institution without a break in health coverage? Yes No Date coverage ends _____
If yes, please provide proof of no break in coverage to your benefits coordinator. If you are a Health and Human Services (HHS) Enterprise employee, provide the proof to HHS Employee Service Center.
- Are you recently rehired with the same state agency within 90 days of leaving active military duty? Yes No
If yes, please provide your military release date: _____.

SECTION B: ACTION (Mark appropriate choice.)

DTA	FTE to PTE/PTE to FTE	OR	Retiree RTW/Retiree LTW	FSC	Family Status Change	HIR	New Hire
LOA	Leave of Absence	PHC	Post Hire Change	RED	Reduction while on LOA	REH	Rehire
						RFL	Return from Leave

SECTION C: REASON CODE (See Family Status Change reference table on page 4 before completing.)

Complete for changes during the plan year. Reason Code: _____ Event Date: _____ (mm-dd-yyyy)

SECTION D: BENEFITS OPTIONS (Mark appropriate choices.)

SSN _____ Employee Name: First, MI, Last _____

Optional Benefits (Newly hired employees may elect benefits on first active duty date or within 31 days of hire/rehire without enrolling in health coverage.) Effective date, if different from hire/rehire date _____ (mm-dd-yyyy)							
Health Coverage	Health	Dental*	Vision	Optional Term Life Insurance**	Voluntary AD&D*	Dependent Term Life Insurance**	Short-term Disability**
Waive HealthSelect of Texas® Consumer Directed HealthSelectSM Enroll/Add/Drop Dependent (See Section E) Waive + Opt-Out Credit* (By checking Waive + Opt Out Credit, you also certify that you have comparable coverage. See page 3 for important information.)	Waive State of Texas Dental Choice PlanSM DeltaCare® USA DHMO Enroll/Add/Drop Dependent (See Section E)	Waive State of Texas VisionSM Enroll/Add/Drop Dependent (See Section E)	Waive Enroll Elect coverage level OL1 Election 1 OL2 Election 2 OL3 Election 3 OL4 Election 4 Decrease Level to OL1 Election 1 OL2 Election 2 OL3 Election 3	Waive You Only You + Family \$ _____ Amount up to \$200,000 in increments of \$5,000	Waive Enroll/Add/Drop Dependent (See Section E)	Waive	
						Enroll	
If you want to elect a TexFlexSM health care, dependent care, or limited-purpose account as a new enrollee or due to a qualifying life event, you must complete the TexFlex Enrollment Change Form.							

*A monthly credit of up to \$60 (or \$30 for part-time participants) can be applied to optional coverage (dental, vision and AD&D).

**To add this coverage will require evidence of insurability (EOI). Initiate the EOI process online by signing into your online account at www.ers.texas.gov, or contact your benefits coordinator/HHS Employee Service Center.

Employee Tobacco-User Certification: If you are enrolling in the GBP health plan, have you used any type of tobacco product five or more times in the last three months? This includes but is not limited to cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, dip, and all e-cigarettes / vaping products.

Yes No

SECTION E: DEPENDENT PERSONAL DATA (and coverage choices.)

Dependent Tobacco-user Certification: If your dependents are enrolled in a GBP health plan, you must certify below if your dependent used any type of tobacco product five or more times in the last three months. This includes but is not limited to cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, dip, and all e-cigarettes/vaping products.

Dependent Relationship*	Dependent's Name (First, MI, Last)	Gender	Date of Birth (mm-dd-yyyy)	Dependent SSN (Required for 12 months or older)	Health	Dental	Vision	Dep. Life	Tobacco User
Sp D		M			Yes	Yes	Yes	Yes	Yes
S O		F			No	No	No	No	No
Sp D		M			Yes	Yes	Yes	Yes	Yes
S O		F			No	No	No	No	No
Sp D		M			Yes	Yes	Yes	Yes	Yes
S O		F			No	No	No	No	No
Sp D		M			Yes	Yes	Yes	Yes	Yes
S O		F			No	No	No	No	No

* Relationship Code: Sp – Spouse D or S - Natural or adopted daughter or son O – Other than natural or adopted child. Includes stepchild, foster child, or ward child.

If you are adding a child, you must complete a Dependent Child Certification form (ERS GI 1.081) available at www.ers.texas.gov or by calling ERS. For dependents newly enrolled in health coverage, you will be required to provide documentation to verify your dependents' eligibility.

Did your dependent have GBP coverage under ERS through another member within the last 31 days? Yes No

If yes, please provide the Social Security number under which your dependent was covered: _____

Is this dependent a new addition to your household because of this event? Please check one only:

Adoption Acquisition of other than natural child Birth Not newly acquired Marriage

SECTION F: AUTHORIZATION (Carefully read the statements below before you sign and date.)

SSN _____ Employee Name: First, MI, Last _____

I authorize payroll deductions for the elections indicated on this Benefits Election Form. I understand that my insurance coverage may be cancelled if I do not pay the required amounts due, either by payroll deduction or personal payment. I understand that all insurance premiums are deducted on a pre-tax basis, except Dependent Life, and Disability. I authorize any provider to release any information on persons covered when needed to verify eligibility or to process an insurance claim/complaint. I understand that insurance participation rules and enrollment and benefits information are available from my benefits coordinator/HHS Employee Service Center or ERS. **I understand that double coverage for dependents is not allowed for health, vision and dental coverage in the Texas Employees Group Benefits Program (GBP). I understand that state law does not permit me to receive more than one state insurance contribution as either an employee, retiree, or dependent.** I certify that I am familiar with the requirements for enrolling myself and/or dependent(s) in the GBP based on a new/post hire change or a qualifying life event (QLE). I further certify that my QLE is valid, correct, and allowable under the GBP. I understand that I may be asked to show documentation to support my QLE and will be required to submit documentation for any newly enrolled dependents, proving their eligibility. I also understand that if I knowingly provide any materially incorrect, incomplete, untrue, information, I may be permanently expelled from the GBP and/or subject to criminal prosecution.

Notice about Insurance: Funding for health and other insurance benefits for participants in the GBP is subject to change based on available state funding. The Texas Legislature determines the level of funding for such benefits and has no continuing obligation to provide funding for those benefits beyond each fiscal year.

Tobacco-User Certification: I certify my understanding and agreement to the following: "Tobacco product" is defined as all types of tobacco, including but not limited to, cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, and dip; and all electronic cigarettes and vaping products and a "tobacco user" is a participant who has used a tobacco product or tobacco products five or more times during the preceding three months. If I (or any of my covered dependents): 1) have used tobacco products as a tobacco user; or 2) start using tobacco products without notifying ERS, I will be subject to monetary penalties and may be terminated from participation in the GBP. Also, failure to notify ERS may constitute fraud. Under the penalties of perjury, the above information is true and correct. Providing or entering false information may disqualify me from continued coverage in the GBP. If I intentionally misrepresent material facts or engage in fraud, my coverage may be rescinded retroactively to the date of the misrepresentation or fraudulent act. In that event, I will receive thirty days notice before my coverage is rescinded. Further, if I or any of my covered dependents start using tobacco products without notifying ERS, I will be subject to monetary penalties and such failure to notify ERS may constitute fraud.

If you certified yourself or any of your dependents as a tobacco user, you may be able to participate in Choose to Quit, an alternative to the tobacco-user premium, if it is right for your health status and complies with your doctor's recommendations. For more information about this program, visit, www.ers.texas.gov/Employees/Health/Tobacco_Policy.

If you previously certified yourself or any of your dependents as a tobacco user, and you or they have stopped using tobacco for three consecutive months, you must complete the Tobacco-User Certification Form (ERS 2.933) available at https://ers.texas.gov/PDFs/Forms/Tobacco_User_Certification_ERS2933.pdf, or change the certification using your online account at www.ers.texas.gov.

If you selected "Waive + Opt-Out Credit": I certify that I do not want the health plan coverage offered to me as an eligible participant. I am waiving my health plan coverage and certify that I have other health plan coverage with substantially equivalent coverage to the basic health plan. I understand waiving my state health insurance will cancel my prescription drug coverage and \$5,000 Basic Term Life policy. I will receive a credit of up to \$60 (or \$30 for part-time participants) that will be applied only toward the cost of eligible optional coverage in which I am enrolled (dental, vision and/or Voluntary Accidental Death and Dismemberment (AD&D)). The credit is in place of the state contribution for basic health coverage. Due to federal legislation Medicare members cannot receive the Opt-Out Credit. I am able to view the Health Insurance Opt-Out Credit applied toward my eligible optional coverage premium by signing into my online account at www.ers.texas.gov.

I understand that if I am currently in a waived status, I must have a QLE or wait until Summer Enrollment to enroll in medical or optional coverage offered to eligible participants.

Employee's Signature _____ Date Signed (mm-dd-yyyy) _____

Keep a copy of this form for your files and return the original to your benefits coordinator.

If you are a Health and Human Services (HHS) Enterprise employee, return this form to HHS Employee Service Center.

New Employees:

- May elect health coverage at time of hire; however, this coverage will be effective when you have satisfied your waiting period.

Employees making changes to their benefits options during the plan year:

- Use this form to indicate only the changes you want to make.
- Complete this form on or within 31 days after your qualifying life event (QLE) (birth, marriage, etc.).
- Using the chart below, identify a reason code (required in Section C) when changing insurance coverage.

Below are examples of qualifying life events; other similar circumstances may also represent a qualifying life event. Remember, rules will determine if you can enroll in or make the insurance changes you want. You may either enter your changes using your online account at www.ers.texas.gov or send this form to your benefits coordinator.

If you are a Health and Human Services Enterprise employee, you may send this form to HHS Employee Service Center. If you do not make changes within 31 days, you may not be eligible to make the changes you want.

Family Status Change Reference Chart

Employee Marital Status Change	Participant gets married	MAR
	Participant gets a divorce or an annulment	DIV
	Death of a spouse	DOD
Dependent Status Change	Birth of a newborn child	BIR
	Participant adopts, fosters, or gets court-appointed guardianship, or becomes managing conservator of a child	ADP
	Participant gains or loses dependent(s) through death	DOD
	Dependent becomes eligible or loses eligibility for insurance coverage (Example: Participant's spouse is covering their child. The child lost eligibility for the spouse's insurance because the child does not attend school.)	DEP
	Dependent is related by blood or marriage, and was previously claimed on the participant's income tax return, but is no longer eligible to be claimed on participants income tax return	XMO
	Child gets married	DGM
Employment Status Change	Participant/Dependent employment status change	ESC
	Dependent becomes eligible for insurance after a waiting period	DWP
Address Change that Changes Dependent Eligibility	Dependent moves out of health or dental plan service area	DMV
Medicare/Medicaid/CHIP Eligibility Change	Participant/Dependent gains Medicare/Medicaid/CHIP eligibility	MDG*
	Participant/Dependent loses Medicare/Medicaid/CHIP eligibility	MDL*
Significant Change in Cost/Coverage Imposed by Third Party	Significant change in cost by day care provider	SCC
	Significant change in cost/coverage of dependent's health, vision or dental plan (excluding GBP)	SCC
	HIPP approval or loss of eligibility	SCC
Office of the Attorney General (OAG) Ordered Coverage Change (Eligibility rules apply for these dependents)	Participant gains requirement to provide coverage for child through a National Medical Support Notice (NMSN) issued by the Office of the Attorney General (OAG) (Example: employee receives an NMSN to provide health coverage for his child.)	MSO
	NMSN issued by the Office of the Attorney General (OAG), which requires participant to provide coverage for child expires (Example: employee's NMSN to provide health coverage for his child expires and the employee is no longer required to continue coverage for the child.)	MSD**

*** DEPENDENT ENROLLMENT INFORMATION:**

CHIPRA requires a 60-day QLE window to notify ERS if:

1. The dependent is not in the GBP and loses their eligibility for Medicaid or CHIP OR
2. The dependent is not in the GBP and they become eligible for premium assistance through Medicaid or HIPP, they have 60 days to enroll in the GBP.

DROP DEPENDENT COVERAGE INFORMATION:

In other QLE instances related to Medicaid or CHIP there is the usual 30-day window to drop dependents from the GBP.

** Employees must contact their benefits coordinator (HHS Enterprise employees contact HHS Employee Service Center) to drop dependent(s) added with a National Medical Support Notice (NMSN).

You may be asked to show proof of the QLE and will be required to submit documentation for newly enrolled dependents, proving their eligibility.

Employees Retirement System of Texas PO Box 13207 Austin, Texas 78711-3207 (877) 275-4377 (TTY:711)

EMPLOYEE LAST NAME, FIRST NAME, MI:	SECTION:	LOCATION:
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III. PERFORMANCE ELEMENTS (cont'd)

1	2	3	4	<p><u>D. Dependability & Work Habits</u></p> <ol style="list-style-type: none"> 1. Follows policies and procedures 2. Completes tasks correctly and on time 3. Accepts appropriate direction/supervision 4. Takes responsibility for own actions 5. Seeks additional responsibility 6. Adheres to work schedules 7. Adheres to dress code policy 8. Anticipates problems and presents solutions 9. Displays ethical behavior in the workplace 10. Exhibits professional behavior in the work place <p>Comments:</p>
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1	2	3	4	<p><u>E. Planning & Organization</u></p> <ol style="list-style-type: none"> 1. Uses time and resources efficiently 2. Prioritizes and plans work activities effectively 3. Handles multiple tasks effectively 4. Integrates changes smoothly 5. Exhibits good judgment <p>Comments:</p>
----------	----------	----------	----------	---

1	2	3	4	<p><u>G. Supervisor Section (only complete if the employee is a supervisor/manager)</u></p> <ol style="list-style-type: none"> 1. Makes timely decisions; and supports and explains reasoning for decisions 2. Works actively to resolve problems and is open to suggestions from staff 3. Gives appropriate feedback 4. Provides effective leadership 5. Maintains an "open door policy" and is easily accessible by staff 6. Ensures responsibilities are covered when absent 7. Completes Employee Evaluations on time 8. Completes required reports on time 9. Manages budget prudently and effectively 10. Exhibits sound and accurate judgment <p>Number of employees supervised: _____</p> <p>Comments:</p>
----------	----------	----------	----------	---

EMPLOYEE LAST NAME, FIRST NAME, MI:	SECTION:	LOCATION:
IV. TRAINING & DEVELOPMENT		
Status of required license(s) and/or certification(s):	N/A	Current
		Expired
Comments: Identify Training/Development Activities (accomplished during this evaluation period or planned for future): Comments:		
V. JOB DESCRIPTION (Check one)		
The employee job description on file in State Human Resources is: <input type="checkbox"/> Current <input type="checkbox"/> Outdated and updated job description is submitted with this evaluation		

The Direct Supervisor will be the first individual to sign the Performance Evaluation. Once the direct supervisor signs, the Performance Evaluation will then be signed by the Manager/Director. The Employee will be the last person to review and sign the Performance Evaluation. After all signatures are complete, the Performance Evaluation will be forwarded to State Human Resources.

Direct Supervisor's Signature: _____ Date: _____

Manager/
Director's Signature: _____ Date: _____

Employee Acknowledgement:

I have read and understand this performance review. I have had the opportunity to discuss this review with my supervisor and understand that I have three (3) work days after the last date below to submit any written comments that I wish to have included with this evaluation. My signature indicates only that I have read the review and that I have received a copy. My signature does not necessarily indicate that I agree with its contents.

Employee's Signature: _____ Date: _____

Any unsatisfactory rating requires an immediate written corrective action plan with goals and a 90 or 180-day special review period. Termination of employment may occur if performance does not reach a proficient level within the special review period. *This is not a guarantee of continued employment for 90 or 180 days.*

EMPLOYEE LAST NAME, FIRST NAME, MI:	SECTION:	LOCATION:
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VI. Additional Comments (if necessary)

Comments:



YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION

- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.
- ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



U.S. Department of Labor
1-866-487-2365



U.S. Department of Justice



Office of Special Counsel



1-800-336-4590

Publication Date — April 2017



TEXAS MILITARY DEPARTMENT

STATE EMPLOYEE
POLICIES & PROCEDURES
MANUAL
Number 1200.01

Appendix 8

Privately Owned Weapons Policy

1 September 2023



Texas Military Department

DIRECTIVE

NUMBER 5210.01
FEB. 11 2022

NGTX-JOA

SUBJECT: Privately Owned Firearms

Reference. See Enclosure 1

1. PURPOSE. To ensure the safety of all personnel and members of the public, who work at, or use Texas Military Department (TMD) facilities and establish policy with regard to Personally Owned Firearms (POFs). This directive supersedes TMD Directive 5210.01, Privately Owned Firearms, dated 11 October 2021.

2. APPLICABILITY AND SCOPE. This issuance applies to all TMD employees, civilian, visitors, contractors, and service members of all other military service components while on any TMD installation or facility.

3. DEFINITIONS. N/A

4. POLICY.

a. Pursuant to the Texas Firearm Carry Act of 2021, anyone twenty-one (21) years of age and older may possess a handgun on their person or in a properly secured vehicle while on TMD state installations or facilities. This authorization encompasses all buildings and property under the control of TMD, if not otherwise prohibited under Federal or State law.

b. Pursuant to Texas Government Code, Chapter 411.171, Subchapter H, anyone who is at least eighteen (18) years of age but not yet twenty-one (21) years of age is eligible to carry a handgun on their person in buildings or on property under the control of TMD, provided they possess a license to carry a handgun. This authorization encompasses all buildings and property under the control of TMD, if not otherwise prohibited by Federal and State law.

c. Pursuant to Texas Penal Code sections 30.06 and 30.07, open carry is prohibited in designated and identified restricted areas.

d. This directive does not, under any circumstances, grant further authority beyond the conditions contained within state law. This directive does not apply or authorize the carry of POFs on federally owned, operated, or controlled property including Armed Forces Readiness Centers controlled by the U.S. Army Reserves and TMD.

e. Recognized law enforcement authorities who routinely carry an authorized job-related weapon as part of their assigned duties are permitted to carry their weapon onto TMD installations and facilities when in the execution of their official duties. Off-duty law enforcement authorities are allowed to carry their weapon consistent with their departmental policies.

5. RESPONSIBILITIES. For safety and security purposes, it is both highly recommended and a best practice that persons who carry a POF do so without a chambered round of ammunition. The following are responsibilities regarding POFs on all TMD installations and facilities:

a. The handgun must remain on your person or properly secured at all times. All requirements stipulated by Texas Government Code, Chapter 411.171, Subchapter H must be followed.

b. TMD members are not permitted to carry a POF when they are also carrying a military issued weapon, while on field training exercises, or when otherwise restricted in the course of normal duties or mission support.

c. Military service members will adhere to uniform standards, which prohibit the open carry of POFs while in uniform.

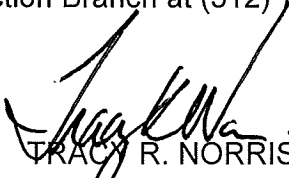
d. Individuals who carry POFs will be held personally liable for any negligent and wrongful acts including bodily injury, property damage, and other losses, liabilities, costs and expenses.

6. INFORMATION REQUIREMENTS. Supports state and federal law.

7. RELEASABILITY. Unlimited

8. EFFECTIVE DATE. This directive is effective until rescinded or superseded.

9. POINT OF CONTACT. J34 Force Protection Branch at (512) 782-5533.


TRACY R. NORRIS
Major General, TXARNG
Adjutant General

DISTRIBUTION:

A



Enclosure

References:

Texas Government Code, Chapter 411.171, Subchapter H

Texas Government Code, Section 437.054

Texas Penal Code, Section 30.06

Texas Penal Code, Section 30.07

Texas Penal Code, Section 46.035

DoD Directive 5210.56, Arming and the Use of Force, dated 18 November 2016

AR 190-11, Physical Security of Arms, Ammunition and Explosives, dated 17 January 2019

AR 190-13, The Army Physical Security Program, 27 June 2019

AR 190-56, The Army Civilian Police and Security Guard Program, 15 March 2013

AR 525-13, Antiterrorism, dated 17 February 2017

AFGM to AFI 10-245, Antiterrorism, dated 17 July 2017

AFI 31-117, Arming and Use of Force by Air Force Personnel, dated 01 February 2016



TEXAS MILITARY DEPARTMENT

STATE EMPLOYEE
POLICIES & PROCEDURES
MANUAL
Number 1200.01

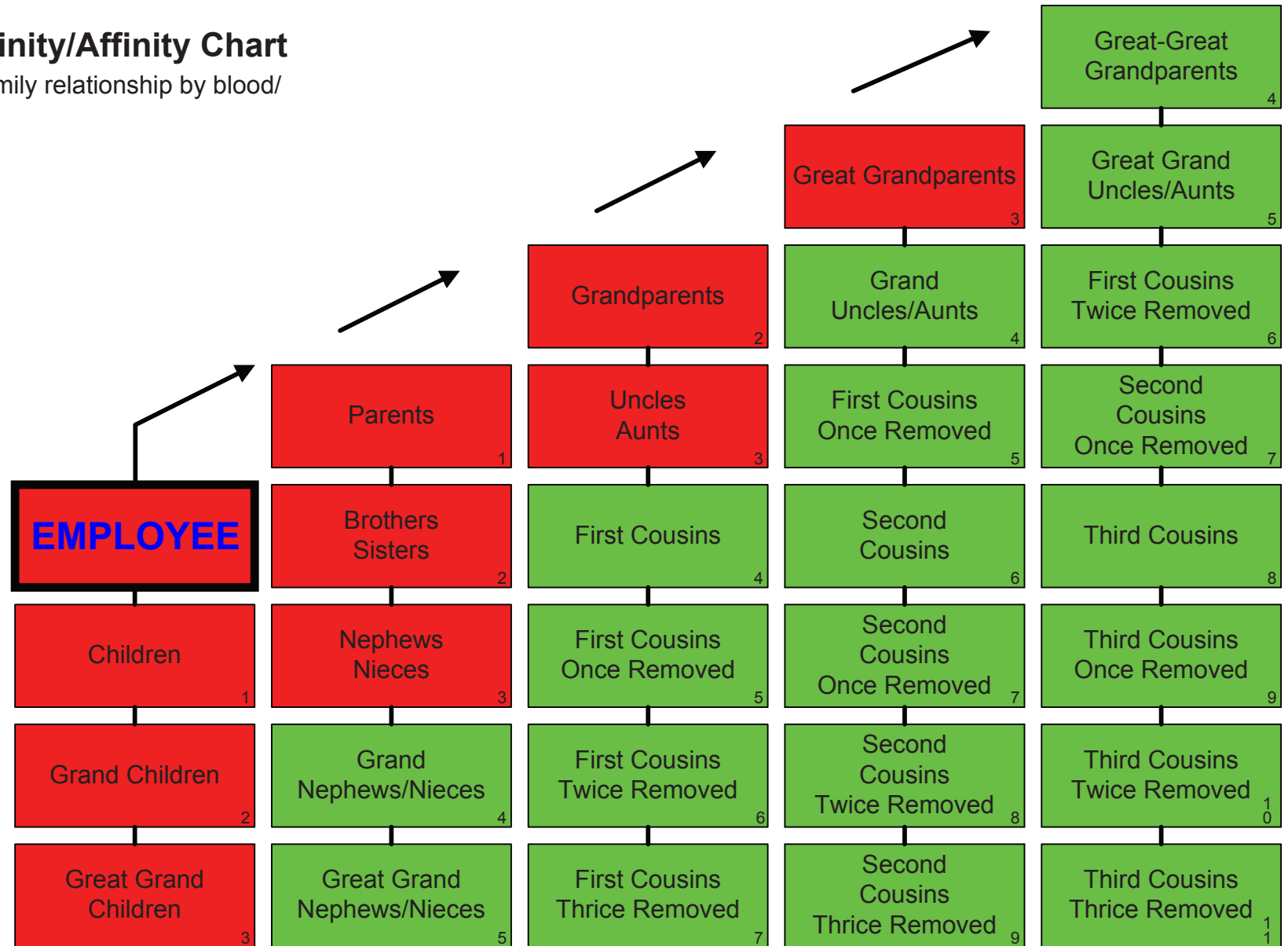
Appendix 9

TMD Consanguinity/Affinity Family Member Chart

1 September 2023

Consanguinity/Affinity Chart

(Degrees of family relationship by blood/
marriage)



Instructions:

For Consanguinity (relationship by blood) calculations:

Place employee name for whom you need to establish relationship by consanguinity in the "EMPLOYEE" box. The labeled boxes will then list the relationships by title to the employee. Anyone in a box numbered 1, 2, or 3 is within the third degree of consanguinity.

For Affinity (relationship by marriage) calculations:

Place the spouse's name of the employee for whom you need to establish relationship by affinity in the "EMPLOYEE" box. The labeled boxes will then list the relationships by title to the spouse and the degree of distance from the employee by affinity. A husband and wife are related in the first degree by marriage. For other relationships by marriage, the degree is the same as the degree of underlying relationship by blood.