

# Personnel Policy Best Practices

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TEXAS ASSOCIATION *of* COUNTIES  
RISK MANAGEMENT POOL

# Disclaimer

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



# Objectives

- Identify the purpose and limitations of personnel manuals in county government
- Create an awareness of the benefits and liabilities of personnel policies
- Determine the importance of content and legal compliance issues



# Authority of Commissioners Court

Controls the budget

May recommend  
uniform policies in the  
county

Adopts personnel  
policies especially those  
tied to budget but each  
elected official may  
adopt their own office  
policies

Get support from each  
elected office



# Benefits of Personnel Policies

- A valuable communication tool
- Pre-determined and defined decisions
- Promotes legal compliance with federal and state employment laws
- Promotes consistent treatment for all county employees





# Personnel Policies Purposes Served

- They inform employees about conditions of their employment
- They explain the benefits available to all employees
- Policies tied to budget must have court approval for exceptions
- Policies help employees all have standard rules and benefits



# Potential Liabilities

- May erode employment at-will doctrine
- Require careful updating
- May be poorly written
- May not cover all areas key areas
- May not be followed consistently



# Disclaimers are Important

- This is not a contract – no employment guaranteed
- This is only a set of guidelines
- This does not alter employment at-will doctrine
- This can be changed at any time with or without notice





# Compliance Issues

- Fair Labor Standards Act (FLSA)
- Family Medical Leave Act (FMLA)
- Title VII of the Civil Rights Act of 1964
- Pregnancy Discrimination Act (PDA)
- Americans With Disabilities Act



# Compliance Issues

- Americans With Disabilities Amendments Act (ADAAA)
- Equal Pay Act
- Uniformed Services Employment and Re-employment Rights Act (USERRA)
- Age Discrimination in Employment Act
- Consolidated Omnibus Budget Reconciliation Act (COBRA)



# Compliance Issues

Equal  
Employment  
Opportunity

Employment At-  
Will Status

Sexual & General  
Harassment –  
Hostile  
Environment

Workers'  
Compensation

Drug Free  
Workplace

Federal CDL  
Drug and Alcohol



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# What Else to Include?

- Fair Labor Standards Safe Harbor
- Benefits
- Pay issues – must match your practice
- Safety
- Discipline
- Terminations



# What Else to Include?

- Nepotism
- Tardiness/Absenteeism
- Conflict of Interest
- Performance Standards



# What Else to Include?

- Social Media Policies
- Cell Phone Policies
- IRS Fringe Benefit Policies
- Computer Policies
- Unique Issues for Your County





# What Not to Include

- Permanent Employees
- Probationary Periods
- Just Cause – For Cause
- Property Interest Statements
- Annual Salary Statements



# Updating and Reviewing Policies

- What's changed in your county
- Amendments to Federal and State Laws
- Written policies must match your practices
- Law Enforcement rules for pay must be in writing and match your practices
- Delete policies you are not willing to enforce
- Acknowledgments never older than 5 years



# Implementing Unpopular Policies

- Social Media—Twitter, Facebook
- Cell Phones Usage at Work
- Tattoos and Dress Codes
- Internet Use



# Tattoos

- Can establish dress code requirements that prohibit tattoos and body piercings that are not consistent with an employer's branding, image, values, or missions.
- Can ban tattoos that are demeaning or feature profanity.
- Beware of religious accomodation



# Ideas?

Welcome cover letter

Signed resolution  
sheet for all officials

Policy committee  
meetings with officials  
helping to develop  
personnel policies  
before court adoption.



# Signed Employee Receipts

- Each employee should receive a copy of the manual – don't charge \$ or penalize for not returning at termination
- Each employee should sign an acknowledgement
- Each employee should sign for receipt of new and revised policies.





# In Summary

## **Your county personnel manual should:**

- ✓ Explain written rules, benefits, and expectations for all county employees.
- ✓ Be communicated to each employee.
- ✓ Be reviewed regularly and revised as needed.
- ✓ Be with compliant with all federal and state laws.

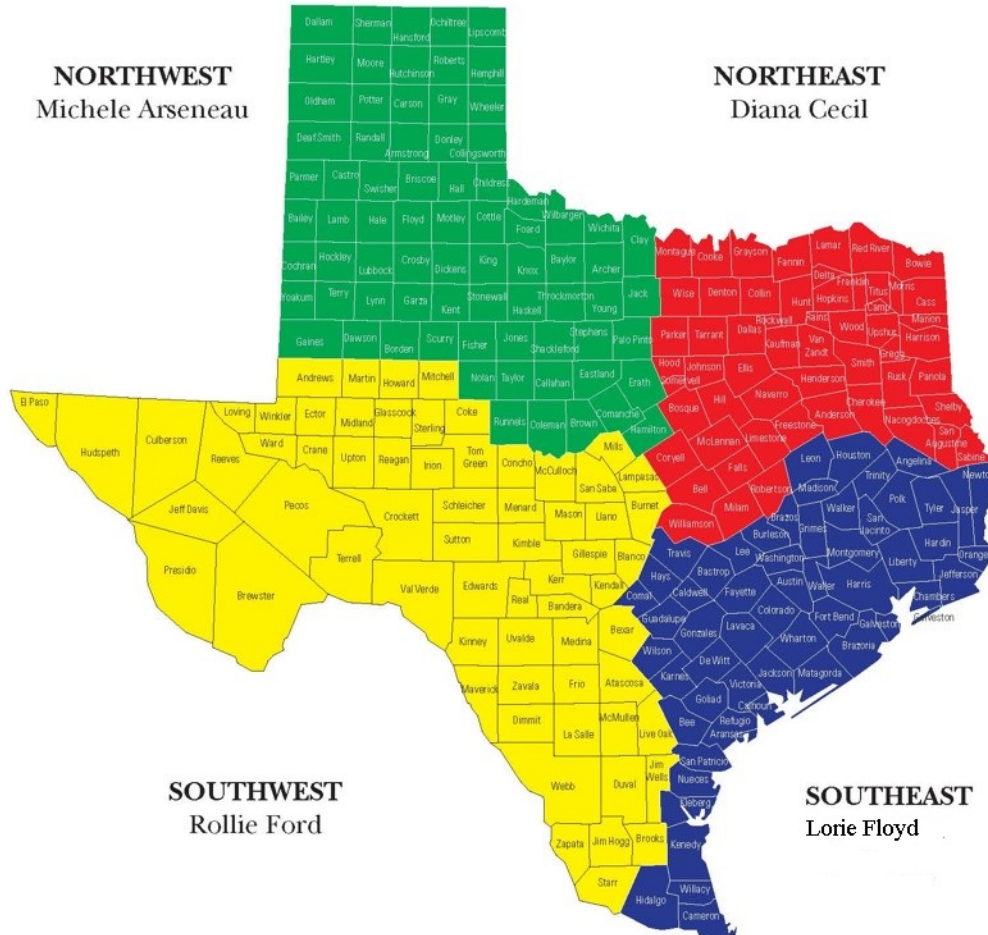


# Questions?



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