COUNTY MANAGEMENT & RISK CONFERENCE

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RESOURCES AND SOLUTIONS FOR COUNTIES

Texas Association of Counties
Safety and Human Resource Policies: What Every County Should Have and Why

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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

• Learn about legally required and/or strongly recommended safety and HR policies

• Understand how to make policy recommendations/revisions based on your county needs

• Understand the integration of risk and HR policies and the pitfalls or worries that should be avoided.
Who handles these processes, policies, and programs?

Urban Populated County

- Risk Manager
- Engineer
- Health & Safety Office
- Human Resource (HR) Director
Who handles these processes, policies, and programs?

Rural County

- Treasurer
- Auditor
- Commissioner
Required Safety Policies and Programs

- CDL licensing, Drug & Alcohol Testing
- HAZCOM/Globally Harmonized System (GHS)
- Bloodborne Pathogens
CDL Drug and Alcohol Testing

• 49 CFR Part 40

• 49 CFR Part 382
HAZCOM/GHS

• Chapter 502 Texas Health and Safety Code

• 29 CFR 1910.1200
Bloodborne Pathogens

• Chapter 81.304
  Texas Health and Safety Code

• 29 CFR 1910.1030
Recommended Safety Policies and Programs

• Accident Prevention Plan

• Seat Belt Policy

• Hands Free Technology
Required Human Resource Policies and Programs

• Family Medical Leave Act policy

• Fair Labor Standards Act policy provisions
Required Human Resource Policies and Programs

• Retiree Rehire Policy

• Equal Employment Opportunity

• Americans with Disabilities Act Amendments Act (ADAAA) policy provisions
• 12 month period defined?
• Use of paid leave
• Insurance ending?
• Workers’ compensation running concurrently?
• 207 (k) provision
  ➢ “Other” time

• Defined workweek

• Compensatory time adoption

Source: http://www.dol.gov/whd/flsa/
Retiree Rehire Policy

- Bona-fide separation in service
- One full calendar month separation in service
Equal Employment Opportunity Policy

• Civil Rights Act of 1964, Title VII

• ADAAA

• Age Discrimination in Employment Act of 1967
Equal Employment Opportunity Policy

• Equal Pay Act

• Genetics Information Nondiscrimination Act of 2008

• Retaliation—all federal laws
The Americans with Disabilities Act Amendments Act

• Applies to employees and applicants

• Reasonable accommodation efforts

• “Leave” as an accommodation
Written Signed
Acknowledgements

• Understanding and Awareness of Policies

• File it and keep it
Integration of Risk and HR Efforts: Pitfalls or “How to Step Carefully”
Alcohol Testing

• Zero Tolerance Levels—county policy

• <.02 for CDL testing—stand-down
Conflict with the Triangle: ADAAA, Workers’ Compensation, FMLA

• 100% Healed Policy for RTW policies

• Fit for duty: (ADAAA, FMLA, Workers’ Compensation)
Questions
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