



# Dallas County Human Resources/Civil Service

## Law

PRIVATE EMPLOYMENT  
STATE AND LOCAL GOVERNMENTS,  
EDUCATIONAL INSTITUTIONS  
EMPLOYMENT AGENCIES AND LABOR UNIONS

PROGRAMS OR ACTIVITIES  
RECEIVING FEDERAL FINANCIAL ASSISTANCE

**RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN:** Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, national origin, or sex (including pregnancy). Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

The law covers applicants and employees of most private employers, state and local governments and public or private educational institutions. Employment agencies, labor unions and apprenticeship programs are also covered.

**AGE:** The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, compensation, and other terms, conditions, or privileges of employment. The law covers applicants and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations.

**SEX (WAGES):** In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort and responsibility under similar working conditions, in the same establishment. The law covers applicants and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations. Labor organizations cannot cause employers to violate the law. Many employers not covered by Title VII, because of size, are covered by the Equal Pay Act.

**GENETICS:** Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

**DISABILITY:** Title I and Title V of the Americans with Disabilities Act of 1990, as amended, prohibits discrimination on the basis of disability, and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. The law also requires that covered entities provide qualified applicants and employees with disabilities with necessary reasonable accommodations, unless such accommodations would impose an undue hardship on the employer. The law covers applicants and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations.

**RACE, COLOR, NATIONAL ORIGIN, SEX:** In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities, which receive Federal financial assistance.

If you believe you have been discriminated against in a program of any institution, which receives Federal assistance; you should contact immediately the Federal agency providing such assistance.

**INDIVIDUALS WITH DISABILITIES:** Section 504 of the Rehabilitation Act of 1973, as amended prohibits employment discrimination on the basis of a disability in any program or activity, which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodations, can perform the essential functions of a job.

**RETALIATION:** All of these Federal Laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice.

**WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED:** If you believe that you have been discriminated against under any of the above laws, you should contact the Director of Human Resources/Civil Service at (214) 653-7668 or The U.S. Equal Employment Opportunity Commission (EEOC), 1801 L Street, N.W., Washington, D.C. 20507 or an EEOC field office by calling toll free (800) 669-4000. For Individuals with hearing impairments, EEOC's toll free TTY number is (800) 669-6820, or access to EEOC's website at [www.eeoc.gov](http://www.eeoc.gov).

There are strict time frames in which you must file charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected. To obtain a copy of the Dallas County's Equal Employment Opportunity Plan, contact the Human Resources/Civil Service Department at (214) 653-7668.

### NOTICE TO EMPLOYEES CONCERNING WORKERS' COMPENSATION IN TEXAS

**COVERAGE:** Dallas County is a self-insured employer providing worker's compensation insurance to protect you in the event of work-related injury or illness. Claims for injuries or illnesses which occur on the job will be handled by the County's Third Party Administrator. An employee or a person acting on the employee's behalf must notify Dallas County through their supervisor of an injury or illness no later than the 30th day after the date on which the injury occurs or the date the employee knew or should have known of an illness, unless the Texas Workers' Compensation Division determines that good cause existed for failure to provide timely notice. **EMPLOYEE ASSISTANCE:** The Division provides free information about how to file a workers' compensation claim. Division staff will explain your rights and responsibilities under the Workers' Compensation Act and assist in resolving disputes about a claim. You can obtain this assistance by contacting Texas Department of Insurance - Division of Workers' Compensation at (214) 350-9299. **SAFETY HOTLINE:** The Division has established a 24 hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. For additional information: Contact the Director of Human Resources/Civil Service at (214) 653-7668 or the Division of Workers' Health & Safety at 1-800-452-9595.

### TEXAS DEPARTMENT OF INSURANCE DIVISION OF WORKERS' COMPENSATION NOTICE REGARDING CERTAIN WORK-RELATED COMMUNICABLE DISEASES AND ELIGIBILITY FOR WORKERS' COMPENSATION BENEFITS

**TO: Law Enforcement Officers, Fire Fighters, Emergency Medical Service Employees, Paramedics, and Correctional Officers -** In order to qualify for workers' compensation benefits, an employee who claims a possible work-related exposure to a reportable disease, including HIV infection, must be tested for the disease not later than the 10th day after the exposure and must provide their employer with documentation of the test and a sworn affidavit of the date and circumstances of the exposure. The test result must indicate the absence of the disease. The employee is not required to pay for the test.

Reportable diseases are those communicable diseases and health conditions required to be reported to the Texas Department of Health. Exposure criteria and testing protocol must conform to Texas Department of Health requirements.

For additional information: Contact the Human Resources Department at 214-653-7668 or call the Texas Department of Insurance at 1-800-372-7713. Also, contact the Texas Department of Health (TDH) to ensure full compliance with the Health and Safety Code and TDH Rules.

## UNLAWFUL HARASSMENT IS ILLEGAL

### Unlawful Harassment violates Title VII of the Civil Rights Act of 1964

Unlawful harassment includes sexual harassment and harassment of employees on the basis of race, color, sex, national origin, age, religion or disability.

Examples of UNLAWFUL HARASSMENT include, but are not limited to:

- Displaying pornographic posters, calendars, pictures, cartoons, or drawings.
- Making or using derogatory comments, epithets, slurs, or jokes.
- Touching, assaulting, impeding, or blocking movements.
- Verbal sexual comments, advances or propositions.
- Requests for sexual favors.

If you believe you are being unlawfully harassed, or if you witness unlawful harassment, you should contact your Supervisor, Elected Official/Department Head, or the Director of Human Resources/Civil Service in accordance with Dallas County's Prohibition Against Unlawful Harassment Policy, Section 86-781 of the Dallas County Code.

Consequences for committing, or witnessing and not reporting Unlawful Harassment may include:  
Disciplinary action ranging from a verbal warning to dismissal, damages and other relief for the victim.

**YOU HAVE THE RIGHT TO WORK IN A HARASSMENT FREE WORKPLACE**

### Your Rights Under the Fair Labor Standards Act

### Federal Minimum Wage

**\$7.25 per hour**  
effective July 24, 2009

Employees under 20 years of age may be paid \$4.25 per hour their first 90 consecutive calendar days of employment with an employer. Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

### Overtime Pay

For non-exempt employees at least 1 1/2 times your regular rate of pay for all hours worked over 40 in a work week. Compensatory time off may be substituted for pay.

### Child Labor

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youth 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions.

- 3 hours on a school day or 18 hours in a school week;
- 8 hours on a non-school day or 40 hours in a non-school week.

Also, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 thru Labor Day, when evening hours are extended to 9 p.m. Different rules apply in agricultural employment.

### Enforcement

The Department of Labor may recover back wages either administratively or through court action for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.

Fines of up to \$10,000 per violation may be assessed against employers who violate the child labor provisions of the law and up to \$1,000 per violation against employers who willfully or repeatedly violate the minimum wage or overtime pay provision. This law prohibits discriminating against or discharging workers who file a complaint or participate in any proceedings under the Act.

Note:

- Where state law requires a higher minimum wage, the higher standard applies.

For additional information, contact the Director of Human Resources/Civil Service at (214) 653-7668 or the Wage and Hour Division, Office nearest you - listed in your telephone directory under United States Government, Labor Department.

## NOTICE

### DALLAS COUNTY IS DRUG - FREE AND ALCOHOL - FREE ILLEGAL SUBSTANCES AND ALCOHOL WILL NOT BE TOLERATED

Dallas County's policy on a Drug-Free and Alcohol-Free Workplace applies to all employees and volunteers regardless of rank or position within the County. Any reference to an employee or group of employees should be interpreted to include any volunteer working for or representing Dallas County, including but not limited to Sheriff's Department reserve and posse members.

The unlawful manufacture, distribution, dispensing, possession or use of a drug or controlled substance, including inhalants, on County premises or while representing the County off-premises, is prohibited.

The unauthorized use, possession of, or being under the influence of alcohol or other drugs, including inhalants, volatile chemicals, and/or abuse of prescriptions or over-the-counter drugs on County premises or while representing the County off-premises, is prohibited. Employees working in an undercover capacity within the guidelines of the Sheriff Department's general orders and standard operating procedure are an exception to this policy.

Employees who violate the Drug and Alcohol-Free Policy are subject to appropriate disciplinary action, up to and including termination.

### YOU HAVE THE RIGHT TO NOT REMAIN SILENT

The law known as the "Whistleblower Act" prohibits retaliation against public employees who report official wrongdoing. The act states that "a state or local governmental entity may not suspend or terminate the employment of or take other adverse personnel action against a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority." (Tex. Gov't Code Ann. § 554.002 (a) (Vernon 1995). For more information, or additional copies please call (512) 463-2185.

### EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

**FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain reasons during a defined 12 month period. Employees are eligible if they have worked for a covered employer for at least one year, for 1250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.**

**BASIC LEAVE ENTITLEMENT.** Unpaid leave must be granted for any of the following reasons: • For incapacity due to pregnancy, prenatal medical care or child birth; • To care for the employee's child after birth, or placement for adoption or foster care; • To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or • For a serious health condition that makes the employee unable to perform the employee's job.

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

**MILITARY FAMILY LEAVE ENTITLEMENTS.** Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy, or is in outpatient status; or is on the temporary disability retired list.

**FAMILIES OF ELIGIBLE VETERANS.** Families of veterans will now receive the same job-protected FMLA leave available to families of active military service members: • Entitlement to military caregiver leave for eligible employees whose family members are recent veterans—recent is defined as being active members of the military within the past five years—with a serious injury or illness. • "Serious injury or illness" is expanded for both active military and veterans to include pre-existing conditions aggravated by or exacerbated in the line of duty.

**JOB BENEFITS AND PROTECTIONS.** During the FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment benefit that accrued prior to the start of the employee's leave.

**DEFINITION OF SERIOUS HEALTH CONDITION.** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an oversight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

The continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

**USE OF LEAVE.** An employee does not need to use this leave entitlement in one block. Leave may be taken: Intermittently or on a reduced leave schedule when medically necessary. Leave taken due to qualifying exigencies may also be taken on an intermittent basis. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations.

**EMPLOYEE NOTICE AND RESPONSIBILITIES.** The employee must: Provide 30 days advance notice of the need to take leave when the need is foreseeable; Provide notice as soon as practicable and generally must comply with the employer's normal call-in procedures when 30 days notice is not possible; Provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave; An employer may require medical certification or periodic recertification to support a request for leave because of a serious health condition, and may require a second or third opinion (at the employer's expense) and a fitness-for-duty report to return to work.

**EMPLOYER RESPONSIBILITIES.** Employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must notify the employee and provide a reason for the ineligibility.

Employers must inform employees if leave will be designated as FMLA protected and the amount of leave counted against the leave entitlement.

**UNLAWFUL ACTS BY EMPLOYERS.** FMLA makes it unlawful for any employer to: Interfere with, restrain, or deny the exercise of any right provided under FMLA; Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

**ENFORCEMENT.** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FOR ADDITIONAL INFORMATION:** Contact the Director of Human Resources/Civil Service at (214) 653-7668 or the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

### EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER USERRA

**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.

Dallas County  
Human Resources/Civil Service  
Renaissance Tower,  
1201 Elm Street, 23rd Floor  
(Suite 2300-B)  
Dallas, TX 75270  
(214) 653-7668