

## Hamilton County Commissioner's Court

Special Session  
Thursday, November 6, 2014  
10:00 A.M.



Hamilton County Commissioner's Court met in Special Session on Thursday, November 6, 2014 at 10:00 A.M. with the following members present: County Judge Randy Mills, Commissioner's Johnny Wagner, Lloyd Huggins and Dickie Clary. Commissioner Mark Tafel was absent.

Texas Association of Counties Risk Control Customer Service Representative Elizabeth Sutherland gave a power point presentation on Employment Issues, Avoiding the Legal Landmines. The presentation was focused on the liability and risk that Hamilton County could incur.

Several issues were discussed the term of "at will" county was discussed as employees can be terminated at any time for any reason without notice except for and illegal reason and/or property interest in the job which is implies as contractual.

Title VII, Civil Rights Act of 1964 based on race, color, religion, sex (including sexual harassment) and national origin.

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping and youth employment standards affecting employees in the private sector and in Federal, State and local governments.

Americans with Disabilities Act Amendments Act (ADAAA 2008)is disability discrimination occurs when an employer or other entity covered the American with Disabilities Act, as amended...treats a qualified individual with a disability who is an employee or applicant unfavorable because she has a disability.

Another issue more importantly impacting Hamilton County is the Family Medical Leave Act which entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Hamilton County will no longer offer this benefit because of the recent dissolving of the law enforcement contract which lowers our employee total to below fifty and therefore is no longer a requirement that we offer this for our employees.

The Military Family Leave-National Defense Authorization Act 2008/2009 amends the military family leave entitlement of the Family and Medical Leave Act (FMLA). These amendments expand coverage for qualifying exigency leave to eligible employees with covered family members in the Regular Armed Forces and coverage for "military caregiver leave" to eligible employees who are the spouse, son, daughter, parent or next of kin of certain veterans with a "serious injury or illness".

Genetic Information Nondiscrimination Act 2008 (GINA) prohibits most employers from using genetic information for hiring, firing or promotion decisions and for any decisions regarding terms of employment.

The Equal Pay Act requires that men and women in the same workplace be given equal pay for equal work.

Age Discrimination involves treating someone (an applicant or employee) less favorable because of his/her age.

Immigration and Reform and Control Act amends the act to make it unlawfully for a person or other entity to (1) hire (including through subcontractors), recruit, or refer for a fee for U.S. employment any alien knowing that such person without verifying his/or her work status; or (2) continue to employ an alien knowing of such person's unauthorized work status.

Pregnancy discrimination Act involves treating a woman (an applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

The Uniformed Services Employment and Reemployment Rights Act of 1994 is a federal law intended to ensure that persons who serve or have served in the Armed Forces, Reserves, National Guard or other "uniformed services:" (1) are not disadvantaged in their civilian careers because of their service; (2) are promptly reemployed in their civilian jobs upon their return from duty; and (3) are not discriminated against in employment based on past, present, or future military service.

Whistleblowers Act (Government Code, Chapter 554) which 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."

Constitutional Rights-Illegal search and seizure is the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no Warrants shall issue,, but upon probable cause, supported by Oath or affirmation and particularly describing the place to searched, and the persons or things to be seized." (Presentation recorded in Commissioner's Court Papers Book 50 Page 208)

After the discussions a motion was made by Clary and seconded by Huggins to adjourn. The motion was carried by a majority vote.

\_\_\_\_\_  
County Judge

Attest: \_\_\_\_\_  
County Clerk