



# Employee Conduct Handbook

Human Resources Division



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## **IMPORTANT**

*This document is intended to provide one resource that shows TxDOT's expectations and policy with respect to certain types of employee conduct. Occasionally it will contain links to other policy manuals if a specific policy is derived from another manual. It does not create a contractual relationship between TxDOT and any employee. It is also not an exhaustive source of information and does not cover each and every situation that could possibly arise. The appropriateness of an employee's actions in any given situation will ultimately be determined on a case-by-case basis and will depend heavily on the relevant facts. Other more specific policy manuals may contain additional information that may be relevant to an employee's specific situation. The policy manual that covers the employee's specific situation should always be consulted to determine how to handle each situation.*

*TxDOT reserves the right to modify any provisions, or to discontinue all or part of this document at any time. Statutes, regulations, court decisions, Attorney General Opinions, Texas Ethics Commission Opinions, and other authoritative pronouncements of law, as well as other more specific or more current TxDOT documents approved by TxDOT management, will prevail over the contents of this document.*

*If you find any errors in this document that you feel may need correcting, have any questions, or have any comments you would like to provide please contact Human Resources Ethics and Employee Conduct Section at [Ethics@TxDOT.gov](mailto:Ethics@TxDOT.gov).*

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## TABLE OF CONTENTS

IMPORTANT .....	2
INTRODUCTION .....	6
TXDOT'S VALUES, MISSION, AND VISION .....	6
TXDOT ETHICS POLICY .....	7
CONFLICT OF INTEREST .....	9
Interest in a Contract.....	9
Outside Employment or Professional Activities.....	9
Romantic Relationships .....	10
Nepotism .....	10
Owning Property Acquired by TxDOT.....	10
Revolving Door / Post Employment Restrictions .....	10
Revolving Door Law 1 - Particular Matter .....	10
Revolving Door Law 2 - Participation in Negotiation.....	11
Soliciting Business from the Department .....	11
Contracts with Former Employees .....	11
CONTRACTING AND PURCHASING .....	11
DEPARTMENT INFORMATION.....	11
Confidential Information.....	11
Falsifying Information .....	12
Information security.....	12
Computer Access and Passwords.....	12
DEPARTMENT RESOURCES.....	12
Employee Events .....	12
Bulletin Boards .....	13
Computer and Internet Use.....	13
Computer Software.....	13
Email.....	14
Expectation of Privacy .....	14
Intellectual Property.....	14
Employee Created Material.....	14
Copyrighted Material .....	14
Damaged Lost or Stolen Property.....	14
Roadway Materials .....	14
Personal Mail .....	15
Purchase of State-Owned Property.....	15
Prohibited Activities on Department Property.....	15
Fundraising .....	15

---

Gambling and Related Activities .....	15
Obscene Material.....	15
Political Activities .....	15
Smoking .....	15
Solicitation of Services/Products.....	15
Electronic Recordings.....	15
State Vehicles & Equipment .....	16
Telephones.....	16
EMPLOYMENT .....	16
Annual Leave .....	16
Sick Leave and Abuse of Sick Leave .....	16
Career Conversations .....	16
Overtime .....	16
Separation from the Department .....	17
Time Reporting.....	17
Work Schedule.....	17
EQUAL EMPLOYMENT OPPORTUNITY .....	17
Discrimination.....	17
Workplace Harassment.....	17
Retaliation .....	18
GIFTS .....	18
Working Meals .....	18
Promotional Items .....	18
Bribery .....	19
Donations to the Department .....	19
Honoraria .....	19
Inspectors and Investigators.....	19
Employees Involved with Contracts and Payments .....	19
WORKPLACE HEALTH AND SAFETY .....	20
Driving Requirements.....	20
Driving Safety .....	20
Hazardous Materials .....	21
Personal Protective Equipment .....	21
Spill Response .....	21
Security.....	21
Substance Abuse .....	21
MEDIA CONTACT .....	22
RECORDS MANAGEMENT.....	22
Records Management .....	22
Records Destruction .....	22

---

Retention Schedule .....	22
Open Records Requests.....	23
Litigation Holds .....	23
REPORTING .....	23
Incidents involving Staff/Equipment/Property .....	23
Driving Offenses.....	24
Discrimination, Harassment, and/or Retaliation (EEO).....	24
Fraud, Waste and Abuse .....	25
Workplace Investigations or Inquiries .....	25
Workplace Violence .....	25
WORKPLACE VIOLENCE.....	25
Weapons and Handguns .....	26
TxDOT Topics.....	27
Communication.....	27
Contract Management.....	27
Equipment .....	27
Human Resources .....	27
Legal .....	27
Occupational Safety.....	27
Compliance .....	27
Procurement .....	27
Travel.....	27

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## INTRODUCTION

The purpose of this handbook is to provide guidance on TxDOT's expectations of employees in the manner in which they perform their duties and responsibilities on behalf of the department. The department expects employees to conduct themselves in a lawful, professional, and ethical manner that upholds the confidence and trust of the public and reflects favorably on the department, and to treat our customers and coworkers with professionalism and respect.

An employee who violates any provision of policy concerning conduct is subject to disciplinary action, **up to and including termination**. Any employee who violates any applicable federal or state law or rule may be subject to civil or criminal penalties in addition to any disciplinary action.

TxDOT employees are encouraged to seek advice about TxDOT's Ethics Policy, including related statutes and internal agency operating manuals addressing ethics, by contacting Human Resources Ethics and Employee Conduct Section at [Ethics@TxDOT.gov](mailto:Ethics@TxDOT.gov). It is a defense to disciplinary action if an employee engages in conduct in good faith reliance on the written advice of a member of Human Resources Ethics and Employee Conduct Section concerning TxDOT's Ethics Policy; provided that the employee, in seeking such advice concerning the Ethics Policy, has made full disclosure of all relevant circumstances.

## TXDOT'S VALUES, MISSION, AND VISION

### ***Mission:***

Connecting You with Texas

### ***Values:***

#### People

People are the Department's most important customer, asset, and resource. The well-being, safety, and quality of life for Texans and the traveling public are of the utmost concern to the Department. We focus on relationship building, customer service, and partnerships.

#### Accountability

We accept responsibility for our actions and promote open communication and transparency at all times.

#### Trust

We strive to earn and maintain confidence through reliable and ethical decision-making.

#### Honesty

We conduct ourselves with the highest degree of integrity, respect, and truthfulness.

### ***Vision:***

A forward-thinking leader delivering mobility, enabling economic opportunity, and enhancing quality of life for all Texans

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# **TXDOT ETHICS POLICY**

## ***I. Overview***

Pursuant to Section 572.051(c) of the Texas Government Code, TxDOT has adopted the following ethics policy.

This ethics policy prescribes standards of conduct for all TxDOT employees.

This ethics policy does not supersede any applicable federal or Texas law or administrative rule.

All TxDOT employees must affirm their understanding of this policy.

All TxDOT employees must abide by all applicable federal and Texas laws, administrative rules, and TxDOT conduct policies, including this ethics policy. A TxDOT employee who violates any provision of TxDOT's conduct policies is subject to disciplinary action up to, and including, termination of the employee's state employment or another employment-related sanction. A TxDOT employee who violates any applicable federal or Texas law or rule may be subject to civil or criminal penalties in addition to any employment-related sanction.

## ***II. Standards of Conduct***

A. An employee shall not:

- (1) Accept or solicit any gift, favor, or service that might reasonably tend to influence the employee in the discharge of official duties, or that the employee knows or should know is being offered with the intent to influence the employee's official conduct;
- (2) Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another;
- (3) Solicit, accept, or agree to accept an honorarium in consideration for services that the employee would not have been requested to provide but for the employee's official position or duties. This does not prohibit an employee from accepting transportation and lodging expenses in connection with a conference or similar event in which the employee renders services, such as addressing an audience or engaging in a seminar, to the extent that those services are more than merely perfunctory, or from accepting meals in connection with such an event. An honorarium is a payment in the form of money or other thing of value offered in exchange for services rendered voluntarily, and is not a gift, benefit, or favor;
- (4) Accept other employment or compensation or engage in a business or professional activity that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's official duties;
- (5) Have a personal or financial interest, that could reasonably be expected to create a substantial conflict or even the appearance of a substantial conflict between the employee's private interest and the public interest;
- (6) Utilize state time, property, facilities, or equipment for any purpose other than official state business, unless such use is reasonable and incidental and does not result in any direct cost to the state or TxDOT, interfere with the employee's official duties, or interfere with TxDOT functions;
- (7) With intent to obtain a benefit or with intent to harm or defraud another, intentionally or knowingly: misuse government property, services, personnel, or any other thing of value belonging to the government that has come into the employee's custody or possession by virtue of the employee's employment;

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(8) Knowingly make misleading statements, either oral or written, or provide false information, in the course of official state business;

(9) Engage in any political activity while on state time or utilize state resources for any political activity;

(10) Have any financial or other personal interest in any real property acquired for a department project, unless the interest is openly disclosed in the public records of the department, and the employee does not participate in the acquisition on behalf of the State;

(11) Copyright or patent any work the employee produces or develops as part of his or her employment with the department when the work is related to a department goal, project, or concern; or

(12) Disclose confidential or sensitive business information without authorization.

B. All employees shall:

(1) Perform their official duties in a lawful, professional, and ethical manner; and

(2) Practice responsible stewardship of department resources.

## CONFLICT OF INTEREST

A conflict of interest is a situation in which an employee's personal or private interest conflicts or appears to conflict with TxDOT's interest and could influence the employee's decisions or actions in their TxDOT job. As a public servant, you are expected to ensure that you do not have a conflict, the appearance of a conflict, or take any actions which could create a conflict of interest. You must contact your supervisor or DE/DD if you think you have a potential conflict of interest so that the department can appropriately manage the situation. Failure to do so may lead to disciplinary action up to, and including, termination of employment. It's not necessarily wrong to have a conflict of interest, but it is wrong not to disclose it or properly address it.

### ***Interest in a Contract***

Employees may generally not have, either directly or indirectly, any financial, personal, or other interest in a contract or subcontract.

### ***Outside Employment or Professional Activities***

TxDOT employees may accept outside employment and participate in professional activities if the activities do not:

- create a substantial conflict of interest, or even the appearance of a substantial conflict of interest between the employee's private interest and the public interest;
- interfere with working hours or efficiency;
- use or appear to use information obtained in connection with official duties; or
- influence or appear to influence decisions made or actions taken in department duties.

Additionally, a TxDOT employee must avoid giving the impression that they represent TxDOT and may not use worktime or TxDOT resources in their outside employment or professional activity.

For example, TxDOT employees who are involved in property acquisition or the disposal of surplus property may not be involved in the real estate field as an appraiser, salesperson, or broker because it creates a conflict of interest.

If you wish to accept a second job or participate in a professional activity that is not part of your job, you must obtain prior approval from your supervisor and DE/DD using the [Outside Employment/Professional Activity Request, Candidate for Office Disclosure \(Form 2490\)](#). You and your DE/DD will be able to determine if your outside activities will create a conflict with your TxDOT job based on your duties and responsibilities at TxDOT. You may also submit your Form 2490 to [Ethics@TxDOT.gov](mailto:Ethics@TxDOT.gov) if you, your DE/DD, or your supervisor would like Human Resources Ethics and Employee Conduct Section's opinion on whether the activity is permissible or not.

Individuals who decide to run for elected offices must notify the Department if they run for office and must then again notify if they are elected. TxDOT employees should consult with Human Resources Ethics and Employee Conduct Section before accepting compensation for serving on a local governmental body to determine whether it is permissible.

## Examples

### **May I work selling clothing at department store after work hours at TxDOT?**

Department stores generally do not represent an unmanageable conflict of interest for TxDOT employees. If TxDOT is your full-time or part-time employer, you need to be certain that working at the department store will not interfere with your TxDOT work times. You must also complete the [Outside Employment/Professional Activity Request, Candidate for Office Disclosure](#) (Form 2490) and obtain your DE/DD's approval and signature.

### **I am an accountant for TxDOT. I also do bookkeeping for an outside firm that does business for TxDOT. Is there anything wrong with this?**

You likely may not be employed by an outside firm that also does business with TxDOT because it creates a substantial conflict of interest. Your personal relationship with the firm could call into question your independence of judgment when it comes to approving payment of the firm's invoices.

### **I have been asked to work on weekends for a vendor that provides services to TxDOT. Can I accept the extra work?**

It depends on whether you had or now have any TxDOT duties whatsoever regarding TxDOT's contract with that vendor. Prior to accepting any employment outside of TxDOT, you must complete the [Outside Employment/Professional Activity Request, Candidate for Office Disclosure](#) (Form 2490) and obtain the proper authorizations.

### **An employee for a TxDOT contractor I work directly with as an employee is selling his boat/car, can I buy it?**

If you are involved with a contractor in his or her capacity as a TxDOT employee, then you should not enter into a financial transaction with him or her. Such transactions can at least create appearances of favoritism and/or conflicts of interest (i.e., you get a "special" price on the boat/car, and all of a sudden, the contractor's evaluations get better). Discounts may also be impermissible benefits under TxDOT policy.

## **Romantic Relationships**

It is not the department's intention to interfere in the personal lives of employees or discourage employees from developing close interpersonal relationships. However, supervisors, managers, lead workers, and project leaders are prohibited from having romantic relationships with employees in their chain of command (including temporary or interim periods). Such relationships tend to create compromising conflicts of interest or the appearance of such conflicts.

For policy clarification, all Administration members "directly supervise" all DE/DDs and deputies. For DE/DDs, their deputies, and those designated in the absence of the DE/DD, all employees in their District/Division are in their chain of command.

Personnel are required to disclose such relationships to their managers immediately. At the discretion of the Department, the parties involved may be given the opportunity to resolve the matter through transfer or resignation. Failure to resolve or disclose the relationship will result in the termination of the supervisor, manager, lead worker or project leader.

## **Nepotism**

The department prohibits lead workers, supervisors, and managers from being involved with the hiring, supervising, leading, or approving of any benefits for related family members in their chain of command, if the relationship is within the third degree of consanguinity or within the second degree by affinity.<sup>1</sup>

For policy clarification, all Administration members "directly supervise" all DE/DDs and deputies. For DE/DDs, their deputies, and those designated in the absence of the DE/DD, all employees in their District or Division are in their chain of command.

## **Owning Property Acquired by TxDOT**

If TxDOT is acquiring property for a project and your property is needed, you must notify the Right of Way Division immediately so that the department can ensure the transaction is handled openly and in the same manner as other citizens.

## **Revolving Door / Post Employment Restrictions**

Employees who are considering employment with a company that does business with TxDOT after leaving the department are responsible for complying with TxDOT revolving door rules and state law.<sup>2</sup>

## **Revolving Door Law 1 - Particular Matter**

In most instances, you may work for a non-profit or another government agency while doing the same type of work. However, if your last salary at TxDOT was at or above the minimum amount for salary group A17, you are never able to receive compensation from a for-profit entity for working on a particular matter in which you participated while employed at the department, either through personal involvement or within your official responsibility.

<sup>1</sup> Note that the [HR manual grandfathers some employees from this policy](#).

<sup>2</sup> Texas Administrative Code, [43 TAC §10.6](#)

## ***Examples***

**My division has a need for outside contractor services. My husband works for a company that provides the same kind of service. Can the contract go to my husband's company?**

It will depend on your role at TxDOT and whether you have any involvement with the contract as this may be a potential conflict of interest. You must tell your supervisor in order to determine if the conflict can be mitigated. Note that informing your supervisor does not resolve the potential conflict.

**I am involved in a conflict of interest. If I reveal this to my boss, then there is no longer a conflict, right?**

No. The conflict of interest still exists, and it is your responsibility to ensure the conflict is mitigated or removed, if possible.

**Is it a problem that I have a romantic relationship with an employee or owner of a consultant, contractor, or other business that contracts with TxDOT?**

Possibly. Depending on your job duties and responsibilities, romantic relationships between a TxDOT employee and an employee or owner of a consultant, contractor, or other business that contracts with TxDOT may be an inherent conflict of interest. You should notify and consult with your supervisor to determine if the relationship is problematic.

**May I supervise my brother-in-law?**

No. Lead workers, supervisors, and managers may not supervise a family member if the relationship is within the third degree of consanguinity or within the second degree by affinity. Your brother-in-law is within the second degree of affinity. Therefore, you would be prohibited from supervising your brother-in-law.

## **Revolving Door Law 2 - Participation in Negotiation**

With respect to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications on or after September 1, 2017, if a TxDOT employee has participated on behalf of TxDOT in a procurement or contract negotiation involving any person, then he or she may not accept employment from that person for two years after the date the contract is signed or the procurement is terminated or withdrawn.<sup>3</sup>

Questions concerning rules, policies, and law involving post-employment restrictions should be directed to TxDOT's General Counsel Division.

## **Soliciting Business from the Department**

If you are at or above the level of a division director or district engineer, you also create a conflict if you solicit business or attempt to influence a commission or department decision on behalf of a new employer within one year after leaving TxDOT.

## **Contracts with Former Employees**

The department may not enter into consultant contracts, professional services contracts, or other contracts for personal services directly with former employees until they have been separated from the department for 12 months.

## **CONTRACTING AND PURCHASING**

Employees involved in contracts and purchasing should consult with the [Negotiated Contracts Policy Manual](#) for additional rules and regulations that apply specifically to individuals in those positions.

## **DEPARTMENT INFORMATION**

All employees are responsible for ensuring department information is handled appropriately and according to policy and procedures.

## **Confidential Information**

While most business information is subject to the Public Information Act and must be disclosed on request, at times some information could be confidential and protected from public disclosure. You must never disclose confidential or sensitive TxDOT information without appropriate permission.

You are expected to appropriately handle the information under your direct control, including ensuring the information is protected and secured, stored appropriately in a secure location or on secure devices and properly destroyed (see [Destruction of Records](#)). TxDOT information belongs to the department, and you may not use it for personal gain for yourself or another person.

You may not discuss coworker's medical information and/or release information without valid authorization. Only authorized department employees will be given access to personnel records for work-related purposes.

<sup>3</sup> Contracts prior to this time follow a different standard outlined [here](#).

## **Examples**

**My job responsibilities give me access to my fellow employees' medical records. May I look at my coworker's medical records just out of curiosity?**

No, this is not permitted. Under federal law, only authorized employees who have an official, work-related, need to know and legitimate reason to view or handle confidential medical information have a right to see this information.

**I received a phone call from a member of the public asking for some documents related to a proposed highway project. I'm not sure if the information is confidential. What should I do?**

Contact your supervisor for guidance. With exceptions, most information is available to the public but the request for documents must be made in writing or through the online [Open Records Request](#) form. The request must go through your district, division, or office's Open Records Coordinator.

**I have knowledge through my job position that a friend of mine, also a department employee, is the subject of an internal investigation. May I give her a heads up?**

No, this is most likely confidential information. You should not release any sensitive department information unless authorized by your supervisor.

**I have an opportunity to buy land that I know, based on information I learned in my job, is in an area that TxDOT plans to acquire for highway purposes. I believe that I could make a profit by purchasing the land. Am I allowed to do this?**

No. To purchase this land for the purpose of personal gain, based on improper use of confidential information, is a violation of the Ethics Policy and an improper use of confidential department information.

Your job function may have specific requirements regarding the handling of department information. Be sure to be familiar with department manuals relating to your office or division and ask your supervisor if you do not know what information is considered confidential or sensitive.

### **Falsifying Information**

You must not knowingly make misleading statements, falsify information, or destroy department documents. This can include lying on employment applications, falsifying any type of record such as time sheets and medical records, and providing false receipts and documentation for reimbursement, such as travel.

### **Information security**

All state-owned information resources involved in the collection, processing, storage, transmission, display, retrieval, access, dissemination, and disposition of information are for official state purposes only. You are expected to ensure department information resources under your direct physical control are used according to policy.

### **Computer Access and Passwords**

You have been given access to TxDOT information and resources and are responsible for ensuring that your computer is properly secured, and no one has unauthorized access. You should logoff when you are not using your computer and ensure passwords meet specified requirements and are kept in a secure location. You may not share your passwords with anyone.

## **DEPARTMENT RESOURCES**

State resources are anything that TxDOT owns, including property, buildings, telephones, computers, furniture, supplies, equipment, vehicles, licenses, trademarks, and includes an employee's time at work.

As a TxDOT employee you have access and permission to use many state resources and are expected to use these assets responsibly. Department property and resources may only be used for state purposes and may generally not be used for personal business, fundraising, or political activities.

Any misuse or unauthorized use of department resources is subject to disciplinary action up to and including termination and/or criminal prosecution.

### **Employee Events**

Employees may occasionally raise funds among themselves for employee events such as holiday or retirement parties. If approved by your Division Director or District Engineer, employees may raise funds during their lunch or breaks through activities such as bake sales, or BBQ/breakfast plate sales as long as they are only raising money from TxDOT employees. The important thing to note is that employees cannot raise money from any outside sources (especially from those sources that may violate provisions of TxDOT's Ethics Policy) on TxDOT time. Additionally, note that raffles are not permitted on TxDOT property for any reason at any time.

## **Examples**

**Our TxDOT office is very friendly and we often share recipes. Is it okay to copy these recipes on the copying machine for everyone in the office?**

No. Recipes are not related to TxDOT business. You may not use TxDOT time or equipment to copy recipes for distribution to other employees for non-TxDOT purposes.

**My supervisor is a city council member. May I use the TxDOT copier in my office to copy items for the City Council?**

No. Politely remind your boss that the items must be copied elsewhere and on personal time. TxDOT equipment and time are to be used for official business only. You may report this to the Compliance Division or through TxDOT Watch. TxDOT Watch is a third-party reporting system which allows you to confidentially and anonymously report unethical and illegal activities online at [TxDOT Watch](#) or by calling (877) 769-8936 toll-free.

**May I require my subordinates to participate in a mandatory holiday gathering on the weekend outside of work hours? At this gathering, I plan to use TxDOT cameras to take holiday photos of TxDOT employees and their families. After taking the photos, I will upload those photos onto TxDOT computers and print them off for my employees using TxDOT printers and paper.**

No. There are several problems with this scenario. A supervisor cannot mandate his or her subordinates to attend functions that are outside of official work duties. The supervisor may not use TxDOT equipment such as cameras for the personal benefit of employees. Additionally, TxDOT owned computers, printers, and paper may not be used for this purpose. Actions such as these may result in the supervisor being terminated and possibly prosecuted.

Participation in these types of events must be strictly voluntary and the use of state property for these purposes should be incidental and not result in any direct cost to the state or TxDOT or interfere with employee's official duties.

## Bulletin Boards

Only material that is directly related to department activities may be placed on official bulletin boards.

If permitted by your Division Director or District Engineer and supervisor, employees may place an unofficial bulletin board in your breakroom for limited reasonable personal use as determined appropriate by the DE/DD.

## Computer and Internet Use

Department computers and the internet may be used for limited personal use, such as quickly checking your personal email account. The appropriate times for personal use are during the employee's breaks and lunch hour; however, brief personal usage during the workday may be permitted as long as it does not interfere with or disrupt official state business. However, you may not use computers or the internet for side businesses, political purposes, or viewing offensive or sexually oriented content.

Do not install computer games, download unauthorized software, or cause technical problems, or keep personal or unauthorized files or applications on TxDOT networks or workstations.

To help prevent malware infections and support IT security:

- Do not open email attachments from people you do not know.
- If you receive an attachment from an unfamiliar source, verify the identity of the sender before opening the attachment or call the IT Service Desk. You can also forward the email to [spam@TxDOT.gov](mailto:spam@TxDOT.gov).
- Be careful using search engine results and do not click on advertisements because web-based ads may contain links to malware.
- Do not download and install freeware (Contact the IT Service Desk to get an approved application).
- Only visit business-related websites.

See the [TxDOT IT Acceptable Use Policy](#) for more information.

## Computer Software

TxDOT must have specific approval to store and/or use third-party copyright information or software and be installed according to software licensing agreements. You may not install software that has not been approved by the Information Management Division or copy software unless in accordance with the license agreement or made for contingency planning purposes.

## Examples

**My husband has a business that I think would appeal to a lot of department employees. May I post an advertisement on a department bulletin board?**

No. Official department bulletin boards are for department-related material only. As a general principle, it is impermissible to use any department property (bulletin boards, printers, office supplies, etc.) for personal reasons.

**Is it permissible for me to occasionally check my Facebook account during my breaks and/or lunch?**

Yes. Occasional and limited use of your department computer to access Facebook or other social media sites is permissible by department policy; however, it should not interfere with your work responsibilities. Please use discretion when posting comments using a TxDOT computer at work.

**I am an officer in Big Brothers of Travis County. Can I use my computer to maintain a database for this organization?**

No. While TxDOT encourages employee involvement in service organizations, TxDOT resources cannot be used to support external organizations.

**Can I install a TOR browser software on my work computer?**

No. TOR is a free open-source encryption program which allows the user to anonymously browse the Internet and prevents tracking of the user's online activity. You may not install unauthorized software, such as a TOR browser, on your TxDOT desktop or laptop computer.

**My division does not have enough money to have a copy of a specialized program on every computer. I copied the program from someone else's computer and put it on mine. Is that okay?**

No. This may be a violation of federal copyright laws. Check with the Information Management Division to determine whether a cost-effective site license is available.

## Email

Department email is for official state business only and is not allowed for personal purposes. There are no exceptions to this policy.

## Expectation of Privacy

As state employees, you should not expect any privacy when using state resources including information technology equipment, telephones, or other equipment. The contents of your computer hard drives and files, and cell phones including email (even those that have been deleted), are subject to supervisor review at their discretion.

All computer files and telephone records, including text messages and emails are subject to public information requests and discovery in litigation.

You may not store work-related files, documents, or other data on personal tablets or computers. All files, documents, or other data must be stored on a department-provided computer or network drive.

## Intellectual Property

TxDOT intellectual property is ideas, publications, and other original innovations fixed in a tangible medium, including, but not limited to literary works, logos, service marks, studies, maps and planning documents, engineering, architectural, and graphic designs, manuals, software, audiovisual works, sound recordings, maps, systems design, or other proprietary information. Property ownership may be claimed through a copyright, trademark, or patent.

### Employee Created Material

You may not copyright or patent any work that you produce or develop as part of your TxDOT job.

Intellectual property may be your exclusive property if it was not:

- Related to your employment responsibility or to a TxDOT goal, project, or concern;
- A result of activities performed on department time;
- Developed with support by state funds; or
- Developed using department facilities, supplies or equipment.

### Copyrighted Material

You must not store, use, or copy third-party copyrighted information or software that TxDOT does not have specific approval to store, use or copy.

## Damaged Lost or Stolen Property

You are required to report if any department property is damaged, lost or stolen. See [Reporting](#).

## Roadway Materials

Roadway materials of all types including dirt, aggregate, asphalt, and gravel are the property of the state and must be used for state purposes only. You may not remove, improperly dispose of, or give away any roadway materials regardless of whether the materials are used, discarded, stockpiled, surplus or found on the right of way.

## Examples

### **May I email employees in my section to raise funds for a volunteer organization that I am involved with outside of work?**

No. You may only use department email for official state business.

### **I thought of a great invention that would save TxDOT time and money. Do I own my idea?**

Probably not, especially if the idea is related to your job. Contact the General Counsel Division for a decision.

### **I found a great resource online that I would like to print out and distribute to other employees in my division. May I do this?**

It depends on whether the material is copyrighted. Many online resources have copyrights that prevent unlicensed printing and distribution. If you have any questions about using a copyrighted resource, contact your supervisor or the General Counsel Division.

### **Can I take TxDOT or contractor waste that is being thrown away?**

No. It is still contractor or state property.

## Personal Mail

You may not receive personal mail at TxDOT offices.

## Purchase of State-Owned Property

Employees, including their immediate family members may not purchase surplus or salvage TxDOT property except from one of the Texas Facilities Commission [store fronts](#).

Please note that no employee of the department has any authority to give away, donate, abandon, loan, or purchase, either directly or indirectly, salvage or surplus property offered for sale (other than the exception stated above).

## Prohibited Activities on Department Property

### Fundraising

Department time and resources may generally not be used for fundraising unless specifically authorized.

### Gambling and Related Activities

You may not participate in gambling or related activities at any time while on department property or while on TxDOT time or use any type of department property in support of such activities. Raffles are not permitted on TxDOT property for any reason at any time.

### Obscene Material

Obscene material, including pornography, is not allowed in or on property, vehicles or equipment owned or leased by the department. This includes department owned cellular phones and computers.

### Political Activities

You may not engage in any political activities while on duty and may not use any state property or resources for political activities. This prohibition extends to the use of state telephones, computers, envelopes, etc.

### Smoking

Smoking is not allowed inside any TxDOT-owned or leased building or in any state vehicle or construction equipment. This policy also includes electronic cigarettes.

### Solicitation of Services/Products

You may not attempt to sell products or services through uninvited personal contact on state property (owned or leased). This includes at TxDOT wellness and health fairs and other department-sponsored events.

### Electronic Recordings

Employees shall not make audio, video, or other types of electronic recordings of other employees without their prior knowledge and consent. This policy is not directed to or intended for employees who make such recordings as part of their standard job functions, such as security personnel, public information officers, communications employees, investigators, or inspectors.

## Examples

### **May I collect donations such as clothes and toys for those less fortunate at TxDOT? While on TxDOT time, may I use a TxDOT vehicle to transport these items?**

In certain instances, incidental use of TxDOT space may be used to collect donations such as clothes and toys for a nonprofit organization. However, TxDOT employees may not use state time to collect or transport these items. Further, TxDOT employees may not use a TxDOT vehicle to transport these items. You should contact [Ethics@TxDOT.gov](mailto:Ethics@TxDOT.gov) for further information.

### **My coworker has started a March Madness bracket pool at work. Participants contribute money towards a pool that the winner of the bracket will collect. Can I participate?**

No. This is gambling and is not permitted on state property or time. Fantasy Football Leagues and World Cup bracket pools are also not permitted. You must report this to your supervisor, the Compliance Division or through TxDOT Watch. TxDOT Watch is a third-party reporting system which allows you to confidentially and anonymously report unethical and illegal activities online at [TxDOT Watch](#) or by calling (877) 769-8936 toll-free.

### **I work for a committee to re-elect a state political candidate. Can I distribute campaign brochures to other TxDOT employees and post flyers at work?**

No. You may not distribute campaign material on TxDOT property or campaign for a candidate while on duty at TxDOT.

### **When traveling back from the office from a worksite, may I stop for lunch in a state vehicle?**

Yes. Stopping for lunch or a break would be acceptable during a normal workday, however state vehicles should not be driven through a "drive through" for safety issues (i.e., light bar clearance and turning radius).

## State Vehicles & Equipment

State vehicles and equipment must be used for official TxDOT business only—not personal errands. You may not borrow department equipment for personal purposes at any time. Non-TxDOT individuals may be a passenger in a department vehicle only when their travel is directly related to official department business.

TxDOT vehicles are highly visible whether on the road or in a parking lot, and employees should keep in mind the public's perception of appropriate vehicle use. When allowed employees should use discretion in selection of food or dining establishments.

You must use department resources in a responsible and safe manner. [No cell phone use is permitted while operating state vehicles or equipment.](#) You also may not use iPods, MP3 players, or other personal electronic devices when working on or near the ROW or when operating any vehicle or piece of equipment. Note: This does not include devices such as two-way radios used to communicate within a work zone.

To prevent backing collisions, you must complete a [360 degree walk around](#) of TxDOT vehicles and equipment prior to operation in order to identify any potential hazards.

## Telephones

You may make brief personal local or toll-free calls on state telephones and brief personal calls on state cellular phones provided no international long-distance charges are incurred.

## EMPLOYMENT

### Annual Leave

Employee must be employed by the state for six continuous months, to the date, before they may use their annual leave. Employees may only take paid annual leave that they have already accrued. Annual leave is recorded and taken in 15-minute increments. Upon separation from department employment, employees may elect to be paid in a lump sum or may be able to remain on the payroll to use their annual leave with DE/DD approval.

### Sick Leave and Abuse of Sick Leave

Information concerning the proper use of sick leave may be found in [Chapter 6, Leave, of the Human Resources Policy Manual.](#)

### Career Conversations

Career Conversations are designed to provide a formal system of two-way communication between employees and their supervisor and to measure employees' job performance. You are expected to consistently meet the performance standards of your job to remain employed.

### Overtime

Depending on their position, some employees may be compensated, or provided with compensatory time, for work performed in excess of 40 hours in one work week or at times outside of their normal work schedules under certain circumstances. However, employees must obtain approval from their supervisor before working overtime. Employees may be subject to

## Examples

**A small town needs to do some minor road work. They plan on doing the work with their own staff to save money, but they don't have the equipment they need. They'd like to borrow a backhoe for a few hours on a day TxDOT won't be using it. Is this okay?**

No, TxDOT employees do not have the authority to loan TxDOT equipment to anyone, including a political subdivision, for general use. There are some exceptions for emergency situations, but those limited circumstances should be discussed with your supervisor.

**One of my employees utilizes his annual leave as soon as he earns it. Other employees complain that this employee is never there, and they have to take up the slack. Is there anything I can do?**

A supervisor may deny a leave request in order to meet the needs of the department.

**Can employees who request sick leave for a doctor's appointment be required to return to work with a doctor's note?**

Yes. If you requested sick leave for yourself or your immediate family (spouse or dependent child), your supervisor may request a doctor's note.

**Am I required to provide my supervisor with documentation if I am out sick for longer than three days?**

Yes. An employee who is out sick must notify their supervisor at the earliest practicable time. Contact your supervisor to determine call-in procedures, including who and when to call, and consequences for non-compliance.

After an absence of more than three consecutive workdays, employees must provide their supervisor with a written statement that validates the need to be absent or a health care provider's statement upon their return to work. Supervisors may also request documentation for absences of three days or less. A health care provider must certify absences from work of more than 30 days, except for workers' compensation cases.

disciplinary action if they refuse a reasonable request to work overtime or fail to obtain proper approval before working overtime.

### **Separation from the Department**

Employees who fail to comply with conditions of employment or do not return to work after certain types of absences may be terminated from employment.

### **Time Reporting**

You must accurately record your total hours worked and leave taken each day. Falsification of time sheets is grounds for termination of employment.

### **Work Schedule**

All employees must work their assigned hours, report to work timely, and must not abuse lunch times, breaks, or sick leave. Changing assigned work schedules from day to day, week to week, or month to month is not considered reasonable. However, employees may make minor schedule changes on short notice with supervisor approval.

## **EQUAL EMPLOYMENT OPPORTUNITY**

The department does not allow, condone, or tolerate discrimination or harassment based on legally protected classes, retaliation, or sexual harassment. Any employee who suspects or witnesses discrimination, harassment or retaliation must report the situation immediately so that the department can ensure the matter is promptly investigated and addressed. See [Reporting](#) for information on how to report equal employment opportunity concerns. The protected classes include race, color, religion, sex, national origin, pregnancy, genetic information, citizenship or immigration status, disability, military status, or age (40+).

### **Discrimination**

Employees will not discriminate against another employee when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, training, fringe benefits and any other condition of employment because the employee is a member of a protected class. Protected class includes someone's race, color, religion, sex, pregnancy, national origin, age (40+), disability, military status, or genetic information.

### **Workplace Harassment**

The Department does not allow, condone, or tolerate sexual harassment or harassment based on race, color, religion, sex, national origin, pregnancy, genetic information, citizenship or immigration status, disability, military status, or age.

Conduct prohibited by this policy includes, but is not limited to:

- Using racial slurs or epithets;
- Derogatory or insensitive jokes, pranks, gestures, or comments concerning race, religion, sex, or other protected class;
- Exhibiting offensive written materials, pictures, or cartoons concerning race, religion, sex, or other protected class;
- Inappropriate or unwanted touching;
- Discussing sexual activities in the workplace, even in a joking manner;

## **Examples**

**I am a non-exempt employee. I like to get all of my work done, so I come in early and stay late on most days, but I only record 8 hours of time on my timesheet each day. Is this ok?**

No. If you work more than 40 hours in a week, you must receive approval from your supervisor before you work the hours, and you must accurately record the hours you work. Working overtime without prior permission from your supervisor may result in disciplinary action.

**I graduated from Texas A&M, but my coworker graduated from The University of Texas. My coworker repeatedly makes negative comments about Texas A&M, its football team, and alumni. These comments are starting to bother me. I'm a Latina female and my coworker is a white male. Should I file a complaint?**

It appears that the basis for the unfair treatment referenced above is due to the university you attended and not your protected class. To properly file a complaint for discrimination and/or harassment, the unfair treatment must be based on a protected class such as race or gender. It is important to note that your coworker may be engaging in conduct inconsistent with the department's policy on professionalism. You may want to talk with your supervisor, a Human Resources Representative, or participate in [Conflict Resolution](#).

**I received a text message from a coworker saying that my backside is sexy. I thought we were friends, so I told my coworker that I did not want any more texts like this. Now the coworker is constantly talking about my appearance. I do not feel threatened and have not been inappropriately touched but I feel uncomfortable. Should I file a complaint?**

You do not have to be inappropriately touched to be sexually harassed. Depending on the exact circumstances, this may or may not be sexual harassment. You should come forward and may report the concerns to your supervisor, the Compliance Division, a Human Resources representative, or HR's Ethics and Employee Conduct section.

- Subjecting another employee to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; or
- Any other behavior that a reasonable person could conclude creates an intimidating, hostile, degrading, or demeaning environment due to an individual's race, religion, sex, or other protected class.

Conduct prohibited by this policy includes, but is broader than, the legal definition of harassment.

## Retaliation

Supervisors cannot take adverse personnel actions such as demotion, denial of promotion or submitting an unjustified negative evaluation against an employee for filing a complaint in good faith, being involved in a workplace investigation, or participating in any legally protected activity.

## GIFTS

You may not accept gifts, benefits, favors, or discounts if the gift could influence you or that you know or should know **is being given with the intent to influence** your decisions or actions while performing your TxDOT job. A gift is anything of value, including meals, real estate, job offers, loans or tickets to an event—just to name a few. Accepting a gift can create a perception that department decisions are made because of the gift rather than being a fair and objective decision that is in the best interest of the public and TxDOT.

You generally may accept gifts or other benefits that you receive because of your relationships with family, friends and/or business associates that you have independent of your TxDOT job, unless you know or should know that the gift or benefit is being given with the intent to influence you in your TxDOT job. Please note that there may be additional restrictions under the Texas Lobby Law<sup>4</sup> if your family, friend, or business associate is a lobbyist.

## Working Meals

If TxDOT pays for your attendance at a meeting, conference, seminar or other such similar event, any meals or activities that are included within that fee, paid by TxDOT, are allowable and do not violate TxDOT's Ethics Policy.

Except as provided by the above paragraph, **you may not accept free meals from any non-governmental third party.** You may, with the approval of your supervisor, attend and participate in meetings held by third parties that offer meals, provided that you pay for your own meals.

## Promotional Items

It is generally permissible for you to accept promotional items from various conferences/seminars/trainings you may attend (such as caps, pens, coffee mugs, tee shirts, and key rings), as long as they are unsolicited and are not offered or accepted in exchange for any action or inaction on your part or given with the intent to influence you in your official duties.

<sup>4</sup> Texas Government Code, [Chapter 305](#)

## Examples

**A contractor would like to give my office a gift basket for the holidays. Is this allowed?**

No. The best practice is to politely ask vendors before the holidays to not give gifts to department employees. TxDOT employees are generally not allowed to accept gifts from anyone who does business with the department.

**A TxDOT vendor has purchased various snacks for each member of our office to celebrate the holidays. We can take the snacks if they are worth less than \$50, right?**

No. TxDOT's Ethics Policy prohibits employees from accepting **any** gift, favor or service that might reasonably tend to influence the employee's official duties or that the employee knows or should know is being offered with the intent to influence the employee's official conduct. The vendor is likely giving the snacks with the intent to influence official conduct by creating a feeling of goodwill towards the vendor. If a gift, favor, or service is given with the intent to influence you in your official conduct, then the monetary value of the gift, favor or service does not matter. If you accept the snacks, you may be subject to disciplinary action up to, and including, termination of employment.

**I regularly go out to lunch with a group of TxDOT employees and contractors. What should I do when a contractor offers to pay?**

You should decline lunch and use work hours if you need to meet with the contractor. Because that is not always an option, you must pay for your own meal when having lunch with contractors and keep the receipt for documentation.

**A contractor has tickets to a Dallas Cowboys game and has offered to sell them to me at face value. If I pay for the tickets, it isn't a gift, right?**

Generally, this is an impermissible gift in the form of a favor. You may not accept a gift, favor, service, or benefit if it could influence you or is being given with the intent to influence your decision-making.

## **Bribery**

You must never intentionally or knowingly solicit, accept, or agree to accept any benefit in exchange for exercising your official powers or performing your official duties in favor of another. Doing so may lead to not only termination, but criminal prosecution as well.

## **Donations to the Department**

The department or commission may accept a donation if it will provide a significant public benefit and would not influence or give the appearance it would influence department decisions or actions. The department may not accept a donation from a donor that is interested in or likely to become interested in any contract, purchase, payment, claim with or against the department, subject to regulation or oversight, or a party to a contested case before the department. Employees are responsible for ensuring gifts adhere to specific restrictions and procedures regarding accepting donations to the department.

## **Honoraria**

If you are invited to speak at an event, participate in a panel or otherwise perform a service because of your status as an employee of TxDOT, you cannot accept any gift or item in appreciation of or in consideration for your services.

If the service that is performed is more than merely perfunctory (more than routine and/or hasty and superficial), you may accept reimbursement for your food, travel and/or lodging for performing services at the event. You should obtain approval by your supervisor before accepting any benefits.

If the event where you perform services is an event that the state would have normally paid for you to attend, then the food, travel, and lodging may be considered a gift to the state and [subject to the department's donation rules located in the Negotiated Contracts Policy Manual](#).

It is encouraged that you ask questions to [Ethics@TxDOT.gov](mailto:Ethics@TxDOT.gov) concerning these issues prior to attending or accepting any benefits in connection with such an event.

## **Inspectors and Investigators**

Employees conducting inspections or investigations may not ask for, accept, or agree to accept any gift or benefit from a person subject to regulation, inspection or investigation by the employee or the department.

## **Employees Involved with Contracts and Payments**

Employees who make decisions in connection with contracts, purchases, payments, claims or other financial transactions may not ask for, accept, or agree to accept any gift or benefit from a person interested in or likely to become interested in any contract, purchase, payment, claim or transaction with TxDOT.

## **Examples**

**A former TxDOT employee is a longstanding close friend and now works for a contractor. Can I accept the same kind of birthday presents from my friend that I used to get when my friend worked for TxDOT?**

Probably. You may generally accept gifts because of your relationship with family, friends, or even professional and business associates that you have independent of your job at TxDOT. However, you may not accept it if it is being offered with the intent to influence your official conduct.

**Can I give used notebooks that we are no longer using to our local school?**

No. Employees are prohibited from giving away state property without authority. The Support Services Division has authority to process the disposal of all department surplus or salvage property.

**If I am at a trade fair and visit a business's table, may I accept free promotional items that they have available at their table?**

Yes. Employees may accept promotional items from various fairs they may attend (such as caps, pens, coffee mugs, tee shirts and key rings), as long as they are unsolicited and are not offered or accepted in exchange for any action or inaction on your part or given with the intent to influence you in your official duties.

**An individual or entity wants to donate to the department such as land, materials, supplies or services. What are the procedures for a gift to TxDOT?**

Information concerning gifts to the department may be found in the [Negotiated Contracts Policy Manual](#).

**I have been invited to speak at an event because of my TxDOT position. In appreciation for my services, the company that invited me wants to donate \$500 to a charity of my choosing in my name. Is it permissible for me to choose the charity and allow them to make the donation?**

No. A contribution to a charitable organization in your name in exchange for your services would be prohibited Honorarium.

## WORKPLACE HEALTH AND SAFETY

Safety is a top priority at TxDOT. The department expects all employees to become familiar with and comply with all safety policies and procedures and ensure they attend any required job-specific safety training.

TxDOT's Safety Policy Statement requires employees to know and adhere to the [safety standards and safe work practices](#) for their assigned jobs including the use of protective equipment as required.

You must use department resources in a responsible and safe manner. [No cell phone use is permitted while operating state vehicles or equipment.](#) You also may not use iPods, MP3 players, or other personal electronic devices when working on or near the ROW or when operating any vehicle or piece of equipment.

Supervisors are responsible for enforcing safety requirements and periodically ensuring that employees are familiar with the rules that apply to their particular jobs.

### **Driving Requirements**

Employees authorized to drive for the department must have a valid regular or occupational driver's license. You are responsible for ensuring your license is valid and must not drive on department business without a valid license.

### **Driving Safety**

When driving a motor vehicle, operating heavy equipment, forklifts, or ferryboat on department business, the following restrictions shall apply:

- TxDOT employees shall not use hand-held mobile communication devices (e.g., Cell phones, smart phones, tablets, etc.)
- Texting is prohibited at all times
- The Global Positioning System (GPS) shall not be adjusted

These restrictions do not apply if the TxDOT employee is directed to be involved in an emergency situation that requires the need for traffic control, fire, EMS, or police response. Two-way radio work related communication may be used by employees while driving or operating equipment. Department-issued, hands-free communication devices may be used at district/division's discretion. In all such exceptions, cautionary safety measures shall be practiced.

## ***Examples***

### **What are the responsibilities of employees who drive for the department?**

Employees are responsible for:

1. knowing whether they are authorized to drive for the department,
2. knowing the department's driving requirements and Alcohol- or Drug-Related Driving Offense policies,
3. knowing the status of their driver's license at all times,
4. reporting the loss of legal authority to drive to their supervisor within one day upon returning to work, and
5. refraining from driving for TxDOT while they have lost the legal authority to drive.

### **Who is subject to the driving requirements?**

Any employee who may be required to drive for the department, which is almost every TxDOT employee. This includes employees who drive their personal vehicles to meetings, conferences, trainings, and so on, regardless of ownership of the vehicle or equipment and the frequency of driving or operating duties.

### **I travel a lot for TxDOT and make phone calls while I am driving a state vehicle. Is this okay if I am conducting state business?**

Safety is a top TxDOT priority, and you should not be distracted while driving. You must pull over to make or take phone calls (or text messages) even if it is to conduct TxDOT business. Keep in mind, the shoulder of the road is not necessarily a safe area to park.

### **Where can I find additional information concerning TxDOT's stance on Distracted Driving?**

TxDOT's Distracted Driving policy is located at:

<https://tntoday.dot.state.tx.us/HRD/pr/Pages/DistractedDrivingPolicy.aspx>

## **Hazardous Materials**

Each Division Director or District Engineer is required to develop and maintain a comprehensive written Hazard Communication Program to protect employees from occupational illness and disease.

If you work with or in an area containing hazardous chemicals, you are responsible for:

- Ensuring compliance with all regulations, policies, procedures, and practices regarding hazardous material management;
- Utilizing all personal protective equipment provided;
- Promptly reporting any hazardous conditions or other occupational health deficiencies to your supervisor; and
- Attending hazard communication and other training as identified by your supervisor or safety/hazmat officer.

New or newly assigned employees must take training before working with or in areas containing hazardous chemicals.

## **Personal Protective Equipment**

All personnel working in or visiting a work area which requires personal protective equipment must wear or use the required items while in the area. Supervisors are required to furnish and maintain an adequate supply of personal protective equipment and provide appropriate training.

## **Spill Response**

An employee should never attempt to clean up a hazardous material spill unless he/she has been properly trained. At least one employee from each section or work area, especially the warehouse and lab, should attend the Small Spill Response Course.

## **Security**

All TxDOT employees are responsible for helping the department prevent loss and damage to state property and prevent unauthorized access to employees and facilities.

You are required to always display your TxDOT ID badge at work and ensure doors, gates, windows, vehicles, fuel stations, keys, and equipment are locked and secured when not in use. You should remove all items from state vehicles or store items out of sight or in locked boxes.

## **Substance Abuse**

TxDOT is a drug- and alcohol-free workplace. The unauthorized use or possession of alcohol or controlled substances, and/or the use or possession of illegal drugs are prohibited on department property or during department-sponsored activities. All employees are subject to alcohol and drug testing.

If you violate the substance abuse policy, you may be disciplined, up to and including termination, or mandatorily referred to the Employee Assistance Program. If you fail to complete treatment or violate this policy a second time, you will be terminated.<sup>5</sup>

<sup>5</sup> Texas Administrative Code, [43 TAC §4.40\(e\)](#)

## ***Examples***

### **Do I have to wear my hardhat while on a work site, even if there doesn't seem to be much of a need for it?**

Yes. Department approved safety hats must be worn by employees and visitors when:

- Outside vehicles at all outdoor work sites, including those who occasionally visit work sites on the highway surface or right of way;
- Working in areas where there is a danger of head injury from impact, falling or flying objects, or electrical shock or burns; and
- Performing any task requiring safety hat protection as described in the department's "[Safety Standards and Safe Practices](#)."

### **I believe I saw one of my coworkers using drugs at the workplace. What should I do?**

Report the suspected incident to your supervisor, the Compliance Division, or HRD's [Substance Abuse Program](#).

### **A coworker took a TxDOT vehicle to attend a work conference overnight and out of town. At dinner I consumed a few alcoholic beverages. As long as my coworker has not consumed an alcoholic beverage, am I allowed to ride in a TxDOT vehicle while intoxicated?**

No, TxDOT policy prohibits an employee, whether on or off duty, from being under the influence of alcohol while operating or riding in a state vehicle.

The department has adopted a [Substance Abuse Program](#) to assist employees with substance abuse problems. An employee who voluntarily admits to having an alcohol or drug use problem will be mandatorily referred to the Employee Assistance Program and required to complete treatment. Disciplinary action will not be taken if the admission occurs prior to a determination that the employee should be tested for cause.

## MEDIA CONTACT

If you are contacted by a reporter or a member of the media, you must immediately contact your designated Public Information Officer or Media Relations at (512) 463-8700 or [MediaRelations@TxDOT.gov](mailto:MediaRelations@TxDOT.gov). The media relations professional can assess how the department, division, district, or office should respond and will handle all media inquiries.

## RECORDS MANAGEMENT

State law requires the retention of state records for certain periods of time. A state record is defined as information created or received by a state agency in the conduct of business or use of public resources. Records exist in a variety of formats and include any document or content created or stored on state equipment (computer, email, calendar, iPad, cell phone, sticky note, camera, etc.).

### Records Management

Work-related records you produce, including correspondence and email, should be kept in the proper file location. Files related to a work unit's operation may be maintained in cabinets for hard copy files or in an electronic repository (such as the shared drive or content management system) for electronic records. Records should not be kept on individual computer desktops. Employees must be aware of the two-year email auto-delete policy and maintain and file emails with longer retention requirements appropriately.

### Records Destruction

State records are subject to retention requirements before they become eligible for destruction or deletion. Once a record meets its retention timeframe, the destruction approval process must be completed before the records can be disposed. State record disposition documentation is required by law. Records cannot be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review or other action is initiated or in place, until the action is resolved.

### Retention Schedule

The Records Retention Schedule documents the required length of time TxDOT must retain official state records before disposition. The Records Retention Schedule provides TxDOT with the legal authority to maintain and destroy state records and is developed in conjunction with the Texas State Library and Archives Commission (TSLAC).

Be aware that retention schedules may be suspended when the department anticipates or is notified of a case or litigation in which the department is required to prevent certain state records from being destroyed or altered. The department could be subject to severe penalties for failing to ensure information potentially relevant to a case is properly preserved in a timely manner. (See [Litigation Holds](#))

## Examples

### **A reporter from the Austin American Statesman has contacted me. Am I allowed to answer their question?**

No, you should inform the member of the media that you are required to discuss the issue with TxDOT's Public Information Officer before any statement can be issued and tell them they will receive a call back. You should then contact your designated Public Information officer or Media Relations for further guidance.

### **My division is very low on file space, and I need to throw away old files to make room for new ones. Can I throw away everything that is greater than three years old?**

Not before consulting the [Records Retention Schedule](#). Documents, records and files, regardless of format, must be retained as long as the retention schedule requires. In addition, there is an approval process before records can be disposed.

### **Where can I find how long I must keep a work-related record?**

Refer to the Records Retention Schedule, which lists the records maintained by the department and identifies the period of time they must be retained before they are eligible to be destroyed. Visit Information Management Division's [Records Management website](#) for more information.

## Open Records Requests

Most, but not all, department information is public information. In order to acquire this information, a member of the public must make a request in writing or using the online [Open Records Request form](#). If you receive a written request for information, you must give this request to your Open Records Coordinator immediately because the department has only 10 days to respond.

You may not make open records requests using TxDOT time, computers, email, or other department resources.

## Litigation Holds

When a lawsuit is filed or is anticipated to be filed against TxDOT, the General Counsel Division (GCD) may issue a litigation hold notice to department employees and contractors who may have information relevant to the suit. If you receive a litigation hold notice, you are required to follow the instructions provided, including notifying GCD of others who may have relevant information, locating relevant information in your possession, and properly securing and storing the information until final resolution of the case. When a litigation hold is in place, you must also be sure that potentially relevant information is not destroyed due to document retention schedules and pertinent emails are not automatically deleted. If you retire or otherwise leave TxDOT, you should notify your supervisors of any litigation holds in which you are a key player and where you stored information.

## REPORTING

### Incidents Involving Staff/Equipment/Property

If you are involved in an incident while driving on department business or operating motorized equipment for TxDOT you are required to report it to your supervisor immediately if not incapacitated.

It is your responsibility to follow the following procedures if involved in an incident:

- Protect the scene by whatever means available to prevent additional incidents and injuries
- Do not provide any statements except to representatives of the department or law enforcement officers
- Do not comment on whom or what caused the incident and do not admit that you caused the incident
- Do not promise that damages will be paid by TxDOT
- Call the appropriate law enforcement agency
- Provide all possible assistance to the injured, law enforcement officers and other authorized persons at the incident scene
- Permit any competent person to use your first aid kit, fire extinguisher, etc.
- If needed, call an ambulance and wrecker service
- Use the booklet, [Vehicle Incident Checklist \(Form 592\)](#), located in the glove box to record information about other drivers, witnesses, etc.
- Contact your supervisor

All incidents resulting in property damage or injury and involving department personnel, equipment (owned or rented), vehicles or operations must be reported to the Occupational Safety Division on

## Examples

### **What is the purpose of a litigation hold notice?**

Litigation holds immediately suspend the department's record retention policy to ensure all information potentially relevant to a case is retained and not destroyed until the case is resolved. The department could be assessed penalties for failing to ensure potentially relevant information is properly preserved in a timely manner.

### **I received a litigation hold notice. What should I do?**

You must immediately read and follow the instructions in the notice and locate all potentially relevant information you have to the case. You must also notify the General Counsel Division if you know of other people who might have relevant information.

### **Who do I contact if I have a safety incident causing damage to a vehicle or equipment?**

Call your supervisor immediately. The Occupational Safety Manual, Chapter 2 says "the employee shall immediately report all incidents that result in vehicle/equipment damage to their supervisor."

[Vehicular Incident Summary – Origami Form 20.106](#). Depending on the circumstances, employees may be held financially liable for vehicle and equipment damage. Failure to report incidents may result in disciplinary action. Incidents that do not involve TxDOT’s operations are exempt from the reporting requirement except as listed in the [Occupational Safety Manual](#). If an employee is injured their supervisor is required to fill out [First Report of Injury Origami Form 487](#).

See [Chapter 2 of the Occupational Safety Manual](#) for additional information concerning vehicle incidents and the forms that are required to be filed.

All Near-Miss Events (near incidents) in which equipment failures or deficiencies are known or suspected must be reported to the Occupational Safety Division at (512) 416-3415. It is encouraged that you also report other types of near incidents.

## **Driving Offenses**

If you drive for the department and are convicted of a moving traffic or seatbelt violation (including probation and appeals) you must notify your supervisor within the first five workdays of returning to work after the conviction, probation, or appeal action. You may be disciplined at your DE/DD’s discretion for failing to report an incident.

If you are authorized to drive for the department and receive an alcohol- or drug-related driving offense, either on or off the job, you will immediately be removed from all critical duties and be mandatorily referred to the Employee Assistance Program. If you lose your license as a result of an alcohol- or drug-related driving offense, you must notify your supervisor within one day after returning to work or you will be suspended three days without pay.<sup>6</sup> If you drive for the department without reporting, you will be terminated. Further, you will be terminated if you are convicted of driving under the influence twice within ten years.

Additional information concerning reporting driving offenses and employee license requirements may be found in the [Occupational Safety Manual](#).

## **Discrimination, Harassment, and/or Retaliation (EEO)**

The department provides multiple venues for employees to report their concerns. If you feel you are being subjected to legally protected discrimination, harassment, or retaliation, you should report allegations to one of the following:

- Your supervisor
- Your HR representative
- The Ethics and Employee Conduct Section of HRD
  - Complete [EEO Complaint Form 1809](#) and email it to [EEO@TxDOT.gov](mailto:EEO@TxDOT.gov)
- TxDOT Watch
  - Report online at [TxDOT Watch](#)
  - Call TxDOT Watch toll-free at (877) 769-8936
- The Compliance Division
  - Email [Compliance@TxDOT.gov](mailto:Compliance@TxDOT.gov)

If you have questions, contact your human resources representative or email [EEO@TxDOT.gov](mailto:EEO@TxDOT.gov).

<sup>6</sup> Texas Administrative Code, [43 TAC §4.43\(d\)\(1\)](#)

## **Examples**

**I received a ticket for speeding while off duty. Do I need to report this to the Department?**

Yes. Once you are convicted of the moving violation, you have five working days to report the violation to your supervisor.

**I was convicted of Driving While Intoxicated (DWI) on the way back from a friend’s party last weekend. Do I need to report this to the Department?**

Yes. If you are convicted of a drug or alcohol related driving offense you are required to report that information to your supervisor within one day of returning to work after receiving the alcohol or drug related driving offense or loss of legal authority to drive.

**My supervisor constantly tries to massage my shoulders during meetings and hugs me when she sees me in the office every morning. I have told her on numerous occasions that this makes me uncomfortable, but it continues to happen. How do I file a sexual harassment complaint against my supervisor?**

You may file a formal complaint with Human Resources Ethics and Employee Conduct Section using [Form 1809](#). This form and any relevant attachments may be emailed to [EEO@TxDOT.gov](mailto:EEO@TxDOT.gov). Additional information may be found on the [Ethics and Employee Conduct Section website](#).

**I am a male. My supervisor repeatedly makes comments about my hair and my clothes, either inferring that I am gay or saying that I am feminine. I do not feel comfortable telling my supervisor that I do not like this. What should I do?**

You should fill out EEO Complaint Form 1809 and describe your concerns with as much detail as possible. You can submit this form to any of the following:

- Your HR Representative;
- HRD’s Ethics and Employee Conduct Section; or
- The Compliance Division.

Please note that complaints received concerning solely of allegations not based on a protected class (i.e., unprofessional behavior) may be forwarded to your supervisor and/or local HR for handling.

## **Fraud, Waste and Abuse**

All employees are responsible for helping ensure a workplace that is free of fraud, waste, and abuse. If you witness or suspect a serious violation of policy, you must immediately report it to:

- Your supervisor;
- Your HR Representative;
- The Ethics and Employee Conduct Section of HRD;
- TxDOT Watch
  - Report online at [TxDOT Watch](#)
  - Call TxDOT Watch toll-free at (877) 769-8936
- The Compliance Division
  - Email [Compliance@TxDOT.gov](mailto:Compliance@TxDOT.gov)

TxDOT Watch is a third-party reporting system for suspected unethical and illegal activities within the department that allows you to submit reports confidentially and anonymously.

## **Workplace Investigations or Inquiries**

Employees are also required to participate in any investigation conducted by the Compliance Division or Human Resources Ethics and Employee Conduct Section. You must not knowingly misrepresent information or make a false or untrue statement when responding to any question that you are asked during an investigation or inquiry. Making a false statement, misrepresenting information, or failing to participate in an inquiry or investigation may lead to disciplinary action, up to, and including, termination of employment.

## **Workplace Violence**

You should report all workplace violence issues to your [Workplace Violence Manager](#) or email [workplaceviolence@txdot.gov](mailto:workplaceviolence@txdot.gov). Call 911 immediately if there is a serious and immediate threat.

## **WORKPLACE VIOLENCE**

The Department does not allow or condone acts of violence or threats of violence by or against any persons while on duty, on TxDOT property or work site, or while operating a state vehicle.

Conduct prohibited by this policy includes, but is not limited to:

- Making threatening comments or other threats of violence;
- Causing physical injury to another person;
- Hitting, damaging property, pushing, chasing, kicking, or holding or blocking the movement of another person;
- Intentionally endangering another employee;
- Stalking; or
- Failing to conceal weapons and handguns or otherwise failing to follow the Department's policies regarding weapons.

Even a single incident of conduct that violates the Department's workplace violence policy may lead to disciplinary action up to and including termination of employment.

## ***Examples***

**I suspect that a coworker has been regularly taking herbicide home for personal use. I want to report it but do not feel comfortable telling my supervisor or anyone in my chain of command. Is there anything I can do?**

Definitely. You may anonymously submit your concerns through TxDOT Watch, a third-party reporting system, either online at [TxDOT Watch](#) or by calling (877) 769-8936. Be sure to include as many details as you can so that the Compliance Division can properly evaluate and address the issue.

**After a disagreement in the breakroom, my coworker told me that I better watch my back because I don't know who I am messing with. I felt threatened but he later tried to tell me he was joking. Should I report this?**

Yes. Workplace violence is any act or threat of physical violence, and the department does not allow these types of comments in the workplace. TxDOT is not concerned with an employee's intent or whether or not they were provoked. TxDOT will treat all statements seriously, including those that may have been intended to be a joke.

Employees who engage in this behavior off department premises may also be subject to discipline for issues that originate in the workplace or are related exclusively to workplace relationships.

## **Weapons and Handguns**

TxDOT employees who have a current and valid license to carry a handgun may carry a concealed handgun onto department premises but may not openly carry a handgun. The handgun must be kept concealed at all times, except in a life-threatening situation. Further, license holders may not even temporarily store their weapons on department premises or in a department vehicle. No other weapons (including, but not limited to, knuckle weapons and/or clubs) are allowed on department property, other than weapons that employees may transport or store in their locked personal vehicle by law.

Employees must abide by all applicable state and federal laws, including:

- License must be current and valid; and
- Handguns must not be carried at any meeting of a government entity, such as the Texas Transportation Commission, or other locations prohibited by state or federal law.

If you are a license holder, you are not required to register with the department, but you are responsible for understanding and complying with all applicable laws and policies. Refer to Human Resources' [Weapons and Handguns Policy](#) and [Firearms and Knives FAQ](#) for more information. Employees are prohibited from openly carrying knives on Department premises and in TxDOT vehicles. Knives must be concealed at all times, except in a life-threatening situation.

## **Examples**

### **I have a license to carry a handgun. Am I allowed to bring my handgun on TxDOT property?**

It depends on how you wish to carry your handgun. Employees with a valid license to carry a handgun may carry handguns on TxDOT premises so long as the handgun(s) are concealed. However, employees may not openly carry their handguns on TxDOT premises.

Please note that employees with a license to carry may be subject to immediate disciplinary action, up to and including termination, if their handgun becomes visible on TxDOT premises, even accidentally, unless acting in response to a life-threatening event.

### **What would happen if an employee license holder displays his or her weapon on TxDOT premises?**

Employees with a license to carry may be subject to immediate disciplinary action, up to and including termination, if their handgun becomes visible on TxDOT premises, even accidentally, unless acting in response to a life-threatening event. If an employee's handgun is visible on TxDOT premises, an automatic investigation will be initiated to review the employee's handling of the situation. The investigation may result in disciplinary action if the employee's response is deemed inappropriate.

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## TXDOT TOPICS

For more information on the topics listed in this document, please reference the following department manuals and webpages. This list is not all inclusive. All department manuals can be found [online](#).

### **Communication**

[Communications Manual](#)  
[Forms Management Manual](#)  
[TxDOT Glossary](#)  
[Print Solutions Policy Manual](#)  
[Records Management](#)  
[Statewide Security Policy Manual](#)  
[Web Publishing Processes and Procedures](#)

### **Contract Management**

[Negotiated Contracts Policy Manual](#)

### **Equipment**

[Fleet Operations Manual](#)

### **Human Resources**

[Human Resources Policy Manual](#)  
Human Resources Procedures  
[Benefits](#)  
[Career Conversations](#)  
[Conduct & Problem Resolution](#)  
[Employee Accommodations](#)  
[Employment Separation](#)  
[Ethics](#)  
[Equal Employment Opportunity](#)  
[Hiring](#)  
[Leave](#)  
[Training & Development](#)

### **Legal**

[Legal Manual](#)

### **Occupational Safety**

[Occupational Safety Manual](#)

### **Compliance**

[Compliance Manual](#)

### **Procurement**

[Purchasing Manual](#)  
[Property Management Policy Manual](#)

### **Travel**

[Financial Management Policy Manual](#)

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