



# PERSON COUNTY GOVERNMENT

## PERSONNEL POLICY

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Amended November 20, 2017; Effective January 1, 2018

BE IT RESOLVED by the Board of County Commissioners for Person County that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment for the employees of the County.

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## **ARTICLE I. GENERAL PROVISIONS**

### **Section 1. Purpose of the Policy**

It is the purpose of this Personnel Policy, and the rules and regulations set forth to establish a fair and uniform system of personnel management for all employees of the County under the administration of the County Manager, elected officials, Elections Board, Board of Health, and Social Services Board. These aforementioned entities are the official Hiring or Appointing authorities covered by this personnel policy. State requirements will supersede these policies for positions subject to the State Human Resources Act whenever there is a conflict. This policy is established under authority of G.S. 153A, Article 5 and G.S. 126 of the General Statutes of North Carolina.

*This Policy does not change the “at-will” status of any Person County employee who is considered an “at-will” employee. For employees who are “at-will” (Probationary employees), their employment may be ended at any time, and at any reason, and shall not be afforded the benefits protected pursuant to the Disciplinary and Grievance policy, among other policies, described herein.*

### **Section 2. Merit Principles**

All appointments and personnel actions shall be made on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and salary grade. No applicant for County employment or employee shall be deprived of employment opportunities or otherwise be adversely affected as an employee because of an individual's race, color, religion, sex, national origin, qualified disability, or age, or any other characteristic protected by applicable law.

### **Section 3. Responsibilities of the County Board of Commissioners**

The County Board of Commissioners shall be responsible for establishing and approving human resources policies, the position classification and pay plan, and it may change the policies and benefits as necessary. The Board also shall make and confirm appointments when so specified by the general statutes.

### **Section 4. Responsibilities of the County Manager**

The County Manager shall be responsible to the County Board of Commissioners for the administration and technical direction of the human resources program. The County Manager shall appoint, suspend, and remove County officers and employees except those elected by the people or whose appointment is otherwise provided for by law. The County Manager shall make appointments, dismissals and suspensions in accordance with the state statutes and other policies and procedures spelled out in other Articles in this Policy.

The County Manager may delegate human resources functions, as appropriate. The County Manager or designee shall maintain the position classification plan and the pay plan and perform such other duties in connection with a modern human resources program as the Board requires. All matters dealing with human resources shall be routed through the office of the County Manager or designee who shall maintain a complete system of personnel files and records

The County Manager shall:

- a) recommend rules and revisions to the personnel system to the County Board of Commissioners for consideration;
- b) make changes as necessary to maintain an up to date and accurate position classification plan;
- c) recommend necessary revisions to the pay plan;
- d) determine which employees shall be subject to the overtime provisions of FLSA;
- f) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County; and
- g) perform such other duties as may be assigned by the County Board of Commissioners not inconsistent with this Policy.

**Section 5. Responsibilities of the Human Resources Director**

The responsibilities of the Human Resources Director are to make recommendations to the County Manager on the following:

- a) recommend rules and revisions to the personnel system to the County Manager for consideration;
- b) recommend changes as necessary to maintain an up to date and accurate position classification plan;
- c) recommend necessary revisions to the pay plan;
- d) recommend which employees shall be subject to the overtime provisions of FLSA;
- e) maintain a roster of all persons in the County service
- f) establish and maintain a list of authorized positions in the County service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- g) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County;
- h) develop and coordinate training and educational programs for County employees;
- i) investigate periodically the operation and effect of the personnel provisions of this policy;
- j) perform such other duties as may be assigned by the County Manager not inconsistent with this Policy; and

- k) insure that all employees receive and sign for a copy of this personnel policy and any revisions.

## **Section 6. Application of Policies, Plan, Rules, and Regulations**

This personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all County employees. The County Manager, County Attorney, elected officials, appointed members of the County Board and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

## **Section 7. Departmental Rules and Regulations**

Due to the particular personnel and operational requirements of the various departments of the County, each department is authorized to establish supplemental rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the County Manager or designee, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Chapter.

## **Section 8. Definitions**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Adverse Action.** An involuntary demotion, reduction in pay, suspension, reduction in force, or separation from employment.

**Anniversary Date.** The employee's most recent date of employment with the County in a permanent position.

**Appointing or Hiring Authority.** The County Manager will be designated as the Appointing or Hiring Authority with the following exceptions:

- a) The Sheriff shall be the Appointing and Hiring Authority for positions in the Sheriff's Department;
- b) The Register of Deeds shall be the Appointing and Hiring Authority for positions in the Register of Deeds Department;
- c) The Board of Elections shall be the Appointing and Hiring Authority for positions in the Elections Department;
- d) The Social Services Director shall be the Appointing and Hiring Authority for positions in the Social Services Department; and
- e) The Health Director shall be the Appointing and Hiring Authority for positions in the Health



Department.

**Classification.** A title of a single or group of positions which are sufficiently similar to require the same set of knowledge, skills, abilities, education and experience qualifications.

**Continuous Employment.** Uninterrupted service to Person County as a Full-time employee.

**Demotion.** A demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotions may be voluntary or involuntary.

**Full-time employee.** An employee who is in a position for which an average work week equals at more than 30 hours on average, and Continuous Employment of at least 12 months. Such employees are eligible for benefits.

**Grant-funded employee.** An employee whose position is paid for with grant funds. Such employees are not generally eligible for accrued leave benefits, probationary increases, longevity, merit pay, etc. unless the grant program allows for such expenditures and they have been appropriately budgeted.

**Immediate Family.** Spouse, parent, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

**Part-time employee.** An employee who is in a position requiring less than 30 hours of work on average per week, and, less than 1,000 hours per year. Part-time employees may be designated as permanent or temporary and do not typically qualify for benefits.

**Probationary employee.** An employee appointed to a Full-time or Part-time permanent position who has not yet successfully completed the designated probationary period of nine months. Persons in trainee appointments are a Probationary employee for the full duration of their appointment in that status. Department Heads and sworn law enforcement shall serve a twelve-month probationary period. Any employee serving a probationary period following initial appointment, may be dismissed without the dismissal procedures stated herein, at any time during the probationary period. In addition, during the probationary period, the employee will not have access to the grievance procedures found herein. **In other words, probationary employees are treated as “at will” employees.**

**Promotion.** The movement of an employee from one position to a vacant position in a class assigned to a higher salary range.

**Regular employee.** An employee appointed to a full -time position who has successfully completed the designated probationary period.

**Trainee.** An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.

**Transfer.** The movement of an employee from one position to a position in a class in the same salary range.

**Work Against Appointment.** In departments whose employees are subject to the Human Resources Act, the Appointing or Hiring Authority may appoint an employee in a Work Against situation. When qualified applicants are unavailable and there is no trainee provision for the classification of the vacancy, the Hiring or Appointing Authority may appoint an employee below the level of the regular classification in a "Work Against" appointment. This appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on the job experience. A Work Against appointment may not be made when applicants are available who meet the training and experience requirements for the full class in the position being recruited. During the duration of the Work Against appointment, the employee is on probationary status.

## **ARTICLE II. POSITION CLASSIFICATION PLAN**

### **Section 1. Purpose.**

The position classification plan provides a complete inventory of all authorized and permanent positions in the County service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities. All positions covered by the personnel policy are to be classified according to the assigned duties, responsibilities, qualifications needed, and other required factors. In order to insure its continuing value as a personnel management tool, the positions classification plan will be maintained to reflect the current work assignments and other conditions and requirements which are factors in proper classification and allocation of regular positions.

Positions in the Departments of Social Services and Public Health will be classified by the NC Department of Health and Human Resources in compliance with the rules and regulations under the State Human Resources Act (Frequently referred to as the State Personnel Act).

### **Section 2. Composition of the Position Classification Plan**

The classification plan shall consist of:

- a) A grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- b) class titles descriptive of the work of the class;
- c) written specifications for each class of positions; and
- d) an allocation list showing the class title of each position in the classified service.

### **Section 3. Use of the Position Classification Plan**

The classification plan is to be used:

- a) as a guide in recruiting and examining applicants for employment;
- b) in determining lines of promotion and in developing employee training programs;
- c) in determining salary to be paid for various types of work;
- d) in determining personnel service items in departmental budgets; and
- e) in providing uniform job terminology.

#### **Section 4. Administration of the Position Classification Plan**

The County Manager, assisted by the Human Resources Director, shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The Human Resources Director shall periodically review portions of the classification plan and recommend revisions to the County Manager to ensure that classifications accurately reflect current job duties and responsibilities. The Human Resources Director shall also periodically review the entire classification plan and, when needed, recommend major changes to the County Manager. For Employees subject to the State Human Resources Act, both the Person County Classification Plan, and the Office of State Personnel classification Plan should be considered.

#### **Section 5. Authorization of New Positions and the Position Classification Plan**

New positions shall be established upon recommendation of the Manager and approval of the Board of Commissioners. New positions shall be recommended to the Board of Commissioners with a recommended class title. The position classification plan, along with any new positions or classifications shall be approved by the Board of Commissioners and on file with the Human Resources Director. Copies will be available to all employees for review upon request.

#### **Section 6. Request for Reclassification**

Any employee or Department Head who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request to the Human Resources Director through the chain of command. Upon receipt of such request, the Human Resources Director shall study the request, determine the merit of the reclassification, and recommend any necessary changes to maintain a fair and accurate classification plan, to the County Manager. The decision of the County Manager is final.

## **ARTICLE III. THE PAY PLAN**

### **Section 1. Definition**

The pay plan includes the Salary Schedule and the Assignment of Classes to Salary Grades and Ranges adopted by the Board of County Commissioners. The salary schedule may consist of a Hiring, Minimum, Midpoint, and Maximum rates of pay for each job classification approved by the Board of County Commissioners. Salary increases within the pay range shall be based on criteria established by the County Manager and approved by the Board of County Commissioners.

In order to ensure proper pay, time worked must be entered on the employee's timesheet pursuant to current County practices, which currently require time entry in quarter hour increments. Please note that some employees, particularly those subject to the Department of Transportation Guidelines, may have different timekeeping requirements.

### **Section 2. Administration and Maintenance**

The County Manager shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in public employment in the area, changes in the cost of living, the financial conditions of the County, and other factors. To this end, from time to time the County Manager, assisted by the Human Resources Director, shall make comparative studies of all factors affecting the level of salary ranges and may make minor adjustments in the allocation of positions to salary grades. When major adjustments encompassing numerous positions are needed, or when a general adjustment is needed to the pay plan, the County Manager shall recommend such changes in salary ranges as appear to be warranted to the Board. The Board shall adopt the Salary Schedule and assignment of Job Classes to Salary Grades, including any minor adjustments made by the County Manager during the previous budget year, annually as part of the budget process.

The County Manager may approve in-range adjustments to employee salaries not to exceed ten percent when necessary to accommodate inequities, special performance or achievements, or other issues.

### **Section 3. Starting Salaries**

All persons employed in positions approved in the position classification plan normally shall be employed at the Hiring Rate for the classification in which they are employed; however, on the recommendation of the department head and/or the human resources director, with the approval of the County Manager, employee salaries may be approved above the Hiring Rate. Reasons for hiring above the Hiring Rate include exceptional education and experience qualifications of the applicant, a shortage of qualified applicants, and/or the refusal of qualified applicants to accept employment at the Hiring Rate. Department Heads shall consider internal equity of other employees in the department when making a recommendation for employment above the Hiring Rate.

Elected officials, i.e. the Sheriff and Register of Deeds, shall be paid upon initial election or appointment, at the entry rate of pay for the position because there is no Appointing or Hiring Authority to make decisions concerning their qualifications for placement above the hiring rate.

Pay for Part-time or temporary status will be based on the applicable hourly rate for the position.

#### **Section 4. Trainee Designation and Provisions**

Applicants being considered for employment or County employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the County Manager to a "trainee" status or under the State Human Resources Act job classes as a "Work Against." In such cases, a plan for training and meeting the minimum qualification for the job classification, including a time schedule, must be prepared by the supervisor. An employee shall remain at the trainee or "Work Against" salary level until the Department Head certifies that the employee is qualified to assume full responsibilities of the position and the County Manager approves the certifications. The Department Head shall review the progress of each employee in a trainee or "Work Against" status every six months or more frequently as necessary to determine when the employee is qualified to assume full responsibilities of the position. "Trainee" salaries may be one to three grades below the Hiring rate established for the position for which the person is being trained. Assignment three grades below is appropriate when the traineeship is expected to last two years. Assignment two grades below is appropriate for more than six months but less than two years. (Note: Positions subject to the State Human Resources Act may be assigned no more than two grades below as for trainee purposes.) The actual assignment should be reviewed and approved by the Human Resources Director. A new employee designated as "trainee" appointment shall be in a probationary status until requirements for the full job class are met.

If the training is not successfully completed as planned, the employee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the Hiring rate established for the job class.

#### **Section 5. Probationary Pay Increases**

Employees hired at the Hiring Rate of the pay range shall receive a salary increase within the salary range of approximately 5% upon successful completion of the initial probationary period. Employees serving a twelve-month probationary period are eligible for consideration for this pay increase after nine months of successful employment. Employees are only eligible for one probationary increase during their tenure of employment. Grant-funded positions may receive probationary increases, if funds are available from the grant program.

#### **Section 6. Employee Certification Policy (effective July 1, 2009)**

A Full-time employee may be eligible to receive a 1.5% salary increase per advanced certification obtained if the following conditions are met: 1) Employee obtains certification or accreditation in their professional field furthering their ability to perform the duties and responsibilities of their position 2) Increase can only be awarded during the fiscal year in which it was obtained 3) No increases will be awarded retroactively for certifications obtained prior to the adoption of this policy or in a previous fiscal year from which the increase is being requested 4) Re-certifications are not eligible for an increase 5) Employee is not in the disciplinary process at the time the increase is being requested 6) Employee may not receive more than two increases per fiscal year.

\*see separate policy titled Person County Employee Certification Policy

### **Section 7. Pay Range Increases**

Upward movement within the established salary range for an employee is not automatic but rather based upon specific criteria. Procedures for determining performance levels and performance pay increases shall be established in procedures approved by the County Manager.

### **Section 8. Performance Review and Development System (separate policy)**

The purpose is to establish and maintain a performance review and development system that contributes to the organization achieving its mission and goals and focuses on continuous performance improvement and recognition for all employees of the County. Reviews will encompass one year and be conducted on or before the anniversary date of the employee's initial hire or rehire. Pay for performance or merit may vary or be funded at the discretion of the Board of County Commissioners.

Grand funded positions may receive merit only if funds are available from the grant program.

### **Section 9. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications**

(See Article I for definitions of these terms)

**Promotions.** When an employee is promoted to a position with a higher salary grade, the employee's salary shall normally be advanced to the minimum of the new position, or to a salary which provides an increase of at least 5% over the employee's salary before the promotion, provided, however, that the new salary may not exceed the maximum rate of the new salary range, provided however, that any promotional raise will be subject to a review for internal equity, and may be altered to promote the same. Employee (Employees subject to the State Human Resources Act are exempt) will serve a probationary period but are not eligible for an increase. Only one probationary increase is allowed after initial employment. The purpose of the promotional pay increase is to recognize and compensate the employee for assuming increased responsibility. The amount of the salary adjustment should be based on:

- a) the employee's related education, training, and experience;
- b) the nature and magnitude of the change in jobs;
- c) budget availability;
- d) consistency with similar situations in the past;
- e) internal equity within the work unit; and
- f) other relevant issues.

Cost of living (or market adjustment), probationary increases for a previous job, and other in-range increases cannot take the place of a promotional increase. The position of the employee's adjusted salary within the new salary range shall not exceed the position of the employee's salary in the

current range.

**Demotions.** When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job when the demotion is not the result of discipline. If the current salary is within the new range, the employee's salary may be retained at the previous rate, if appropriate. Consideration should be given to whether the employee is receiving the same pay for decreased workload or responsibility level and action should be appropriate to this consideration along with internal equity consideration of the pay rate of other employees in the same classification. If the demotion is the result of disciplinary action, the salary shall be decreased at least 5%, but may be no greater than the maximum of the new range.

**Transfers.** The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary grade shall not be changed by the reassignment.

**Reclassifications.** An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of 5% or an increase to the Minimum Rate of the new pay range, whichever is higher. If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

#### **Section 10. Salary Effect of Salary Range Revisions**

When a class of positions is assigned to a higher salary range as a result of labor market conditions, employees in that class shall receive a 5% increase for the salary grade increase. The employee shall receive a minimum of 5% for the range revision, even if such increases takes the employee above the midpoint of the new range. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

#### **Section 11. Transition to a New Salary Plan**

The following principles shall govern the transition to a new salary plan:

- 1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- 2) All employees being paid at a rate lower than the Minimum rate established for their respective classes shall have their salaries raised to the new Minimum for their classes. The only exception will be those employees in probationary status and currently being paid at the Hiring, a trainee rate, or in a "Work Against" status. These employees will remain in their same relative pay status in the new salary grade assigned.
- 3) All employees being paid at a rate above the Minimum and below the Maximum are considered as being paid at a competitive rate for the job class and may receive any approved salary plan implementation increases as authorized by the Board.



- 4) All employees being paid at a rate above the Maximum rate established for their respective classes shall be maintained at that salary level with no increase in base pay until such time as the employees' salary range is increased above the employees' current salary. This means no performance/merit pay increases or market adjustment/cost of living increases or any other increases to the base pay of the employee until the employee is within the appropriate salary range.

## **Section 12. Effective Date of Salary Changes**

Salary changes approved after the first working day of a month shall become effective on the day it occurs.

## **Section 13. Overtime Pay Provisions**

Employees of the County can be requested and may be required to work overtime hours as necessitated by the needs of the County and determined by the supervisor. All overtime work must be authorized in advance.

Supervisors shall attempt to arrange employee work and schedules so as to accomplish the required work within the standard workweek and without incurring overtime.

To the extent required, the County will comply with the Fair Labor Standards Act (FLSA). The County Manager/designee shall determine which jobs are "Non-Exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-Exempt Employees: Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period or alternative FLSA approved full time schedule). Employees in law enforcement job classes may earn overtime based on a 28-day time period. Hours worked beyond the FLSA established limit will be compensated in compensatory time or overtime pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be given in the form of compensatory time off or paid in accordance with the FLSA. The County retains the right to determine whether to compensate overtime as pay or as compensatory time off.

In the event the Governor declares a state of emergency where employees would be required to work long and continuous hours, the County Manager may approve compensation at a rate up to double time for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions.

Exempt employees: Employees in positions determined to be "exempt" from the FLSA (for example, as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their supervisor where the convenience of the department allows and in accordance with procedures established by

the County Manager. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization.

The County intends to make deductions from the pay of exempt employees for authorized reasons and prohibits improper pay deductions. Exempt employees who wish to question deductions they believe to be improper may use the County's Grievance procedure, as explained in this policy. If the deduction is found to be improper the County will reimburse the employee for lost pay.

#### Compensatory Time Off.

Compensatory time off for overtime hours worked may be provided in lieu of immediate overtime pay in cash in accordance with appropriate current FLSA rules, at the option of the County Manager, for covered non-exempt employees. Unless the law requires otherwise, compensatory time shall be exhausted before annual leave is used.

Covered non-exempt employees may be granted compensatory time for hours worked in excess of 40 in any one work week, at a rate of one and one-half hours for each hour of work in excess of 40 hours in any one work week, subject to the following provisions:

- The maximum compensatory time which may be accrued by any affected employee shall be eighty (80) hours. An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation for any additional overtime hours of work.
- Upon request by Employee to use accrued compensatory time, the Employer shall allow Employee to use said time off within a reasonable period after the request, so long as such use does not unduly disrupt the operations of Employer. This determination shall be based on the facts and circumstances of each individual case. Compensatory time must be used within 26 pay periods (approximately 13 months) from the pay period in which they earned it, otherwise, the employee shall be paid overtime compensation for any additional overtime hours of work.
- Upon termination of employment for any reason, Employee shall be paid for accrued compensatory time at a rate of compensation equal to: the average regular rate received by Employee during the last three years of the Employee's employment, or the final regular rate received by the Employee, whichever amount is greater.

The County, at its option, shall be entitled to pay Employee for any portion of accrued compensatory time. If Employer elects to make such election, payment shall be based upon Employee's rate of earnings at the time said payment is made.

- Any compensatory time employees may have accumulated up to the effective date of this policy will remain in place and may be used pursuant federal and state wage laws. Once employees use any accumulated compensatory time over eighty (80) hours, they will then be subject to the maximum accrual of eighty (80) hours of compensatory time and will be paid overtime pursuant to this policy. The County's policy is stricter than the FLSA provisions that allow non-exempt employees to accumulate up to 240 hours of compensatory time.
- Nonexempt employees separating from employment shall be paid for their compensatory time balances.

## **Section 14. On-Call and Call-Back Compensation**

The County provides continuous twenty-four hours a day, seven days a week service to its citizens. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the County is the acceptance of a share of the responsibility for continuous service in accordance with the nature of each job. If an employee fails to respond to reasonable calls, either special or routine, the employee may be subject to disciplinary action up to and including dismissal by the Appointing or Hiring Authority. Therefore, the County provides compensation for employees who are required to be on-call. Compensation for time spent while on-call and for time spent when actually called back to work shall be determined according to the following:

**On-call.** On-call time consists of scheduled non-work hours in excess of an employee's standard work period when an employee is required to be available to be called back to work on short notice if the need arises. Each department may have more specific rules in light of the type of on-call needs. However, generally speaking, on-call time will not be over-used (unless volunteered) for any employee and will not be over-restrictive such that it interferes substantially with the personal use of an employee's time out-side of work. The general rule is that an on-call employee should be able to respond to a call within a one-hour time frame. On-call schedules must be approved by the Department Head. The Human Resources Office shall maintain a list of employees who are approved for on-call compensation arrangements.

Non-exempt employees will be compensated for the inconvenience of on-call duty. Employees required to be on "on-call" duty will be compensated \$2.00 per hour for on-call time they serve until they are called back to work or until the on-call time has expired. The on-call pay and call-back pay shall not overlap. Employees will receive their regular rate of pay for all time the employee is "called-back" to work while on-call, unless the hours worked otherwise qualify for overtime pay. Reciprocal time in exchange for working while on-call (or to minimize overtime) is only allowed when such time is within the time off during the same work-week.

**Call-back.** Call-back time consists of actual time spent when called back to work to handle a requested or emergency situation, regardless of whether the person is "on-call." "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance). Exempt employees will not be paid for being called back to work outside of normal working hours. Non-exempt employees will receive their regular rate of pay for all time worked while on-call, unless the hours worked otherwise qualify for overtime pay. The on-call stipend of \$2.00 per hour will cease once an employee has been called back to work. Reciprocal time in exchange for working while on-call (or to minimize overtime) is only allowed when such time is within the time off during the same work-week.

**Time Keeping.** In the event a non-exempt employee is needed to respond to a call while on-call, or for call-back time, the employee must log all time beginning with the drive to the specific location requested and ending with the time of returning home from the on-call location. Non-exempt employees are guaranteed a minimum of 15 minutes call-back pay for any business-related telephone calls, remote-in tasks, or text messages that occur while being on-call, as well as 2 hours call-back pay if travel is required as part of the call-back. If call-back occurs, the employee will need to report any guaranteed time not worked in a separate pay code in the County's time keeping system in minimum quarter hour increments as defined in Article III, Section 1. Guaranteed time that is not actually worked is not considering compensable time and is therefore not subject to overtime pay.

However, guaranteed time that is actually worked is considered compensable time and is subject to overtime pay if other overtime requirements are met. Total call-back time should not exceed 2 hours unless the time actually worked exceeds two hours, in which event the employee is not entitled to any compensation beyond payment for the time actually worked. In other words, if the employee actually works 2 hours or more, all time should be entered as worked, compensable time. The employee is responsible for accurately logging his or her time and turning it in to a Department Head and/or Human Resources as not all employees have the ability to “clock in” remotely. Please note that certain departments may have more specific rules based on the type of work completed.

**Section 15. Payroll Schedule and Deductions**

The payroll schedule shall be established by the County Manager and shall be administered by the Finance Department. Each employee is responsible for entering their own time in the County’s time keeping system based on the payroll schedule. If the payroll schedule is not followed there is a risk of not being paid in the same payroll cycle. Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the County Manager as to capability of payroll equipment and appropriateness of the deduction.

**Section 16. Hourly Rate of Pay for Full-time, Part-time and Temporary Employees and for Work Weeks with Varying Hours**

Employees working in a Part-time or temporary capacity with the same duties as Full-time employees will work at a rate in the same salary range as the Full-time employees. The hourly rate for employees working other than 40 hours per week, such as employees working 37.5 hours per week and law enforcement officers working an average 42 hours per week, will be determined by dividing the average number of hours scheduled per year into the annual salary established for the position.

**Section 17. Longevity Pay**

Full-time employees of the County are compensated for Continuous Employment with the County by payment of a longevity supplement based on continuous years of service as of November 1st of each year. Full-time Employees must be in active status as of November 1 of the applicable year in order to receive longevity pay. Grant-funded positions may receive longevity pay, if funds are available from the grant program.

Longevity amounts shall be as follows:

<u>Years of Service</u>	<u>Amount</u>
5 years, but less than 10 years	1% of annual salary
10 years, but less than 15 years	2% of annual salary
15 years, but less than 20 years	3.25% of annual salary
20 years, but less than 25 years	4.5% of annual salary
25 years or more	5.75% of annual salary

Longevity pay will be issued on the first regular pay period closest to the Thanksgiving Holiday or as designated by the County Manager.

**The longevity pay benefit is a form of current compensation that may be changed or eliminated at any time at the sole discretion of the Board of County Commissioners. The funding will be allocated on an annual basis during the budget adoption process.**

**Section 18. Pay for “Interim” Assignment in a Higher-Level Classification**

An employee who is formally designated for a period of at least one month to perform the duties of a job that is assigned to a higher salary grade than that of the employee’s regular classification shall receive an increase for the duration of the “interim” assignment. The employee shall receive a salary adjustment to the Hiring rate of the job in which the employee is acting or an increase of 10%. Criteria involved in determining the amount of compensation shall include

- a) the difference between the existing job and that being filled on a temporary basis, and
- b) the degree to which the employee is expected to fulfill all the duties of the temporary assignment.
- c) internal equity

The salary increase shall be temporary and the employee shall go back to the salary he or she would have had if not assigned to the interim role upon completion of the assignment.

## ARTICLE IV. RECRUITMENT AND EMPLOYMENT

### Section 1. Equal Employment Opportunity Policy

It is the policy of the County to foster, maintain and promote equal employment opportunity. The County shall select employees on the basis of the applicant's qualifications for the job and award them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to race, color, religion, sex, national origin, political affiliation, qualified disability, marital status, age or any other class protected by applicable law. Applicants with disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of duties.

### Section 2. Implementation of Equal Employment Opportunity Policy

All personnel responsible for recruitment and employment will continue to review regularly the implementation of this policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of race, color, religion, sex, national origin, political affiliation, qualified disability, marital status, age, or any characteristic protected by applicable law. Notices with regard to equal employment matters will be posted in conspicuous places on County premises in places where notices are customarily posted.

### Section 3. Recruitment, Selection and Appointment

**Recruitment Sources.** When position vacancies occur, the Human Resources Director shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be published in local and/or other news media as necessary to inform the community and create a quality and diverse pool of applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for County service. In rare situations because of emergency conditions, high turnover, etc., the County may hire or promote without advertising jobs, upon approval of the County Manager.

**Job Advertisements.** Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes. Each applicant is notified of E-verify participation.

**Application for Employment.** All persons expressing interest in employment with the County shall be given the opportunity to file an application for employment for positions which are currently being recruited.

**Selection.** Department heads, with the assistance of the Human Resources Director, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection devices administered by the County shall be valid measures of job performance. Final candidates for positions may be subject to a criminal background check, and if the position requires, a pre-employment drug test. Pre-employment job function/fitness tests are required for some positions.

**Appointment.** Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Human Resources Director including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Human Resources Director and Department Head shall recommend approval of appointments and the starting salary for all applicants to the Appointing or Hiring Authority. All employment offers should be confirmed in writing. The Personnel Action Form, the original application for employment, a copy of the employment offer letter, and any additional supporting documents pertaining to the selected candidate should be submitted to the Human Resources office prior to the beginning date of employment. The documents will become part of the new employee's personnel file.

#### **Section 4. Probationary Period**

An employee appointed or promoted to a regular position shall serve a probationary period. Employees shall serve a nine-month probationary period, except that sworn law enforcement personnel and department heads shall serve a twelve-month probationary period. Employees in trainee or "Work Against" appointments will have specific time frames established for their probationary period.

During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Before the end of the probationary period, the supervisor shall determine whether or not the employee is performing satisfactory work and meeting job expectations. The employee's progress (accomplishments, strengths, and areas for improvement) will be discussed with the employee and a summary of this discussion should be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this Policy. **In other words, an employee in the probationary period is treated as an "at will" employee.** A promoted or transferred employee who does not successfully complete the probationary period in the employee's new position may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed. Promoted or transferred employees shall retain all other rights and benefits such as the right to use the grievance procedures, provided the employee has completed the minimum probationary period for their initial position (typically 9-12 months).

#### **Section 5. Promotion**

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the County's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be promoted to that position. The County will balance three goals in the employment process:

- a) the benefits to employees and the organization of promotion from within;
- b) providing equal employment opportunity and a diversified workforce to the community; and

- c) obtaining the best possible employee who will provide the most productivity in that position.

Therefore, except in rare situations where previous County experience is essential or exceptional qualifications of an internal candidate so indicate, the County will consider external and internal candidates rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates.

### **Section 6. Demotion**

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotions may be voluntary or involuntary. An employee whose work or conduct in the current position is unsatisfactory may be involuntarily demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such demotion shall follow the disciplinary procedures outlined in this chapter. Demoted employees may appeal this decision based on the Grievance Process outlined in this Personnel Policy.

An employee may request a voluntary demotion when a vacant position is available. Employees may request voluntary demotions in order to accept a position with less complex duties and reduced responsibilities, to change career paths, or for other reasons. A voluntary demotion is not a disciplinary action and is made without using the above-reference disciplinary procedures.

### **Section 7. Transfer**

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the Transfer using the usual application process. The Department Head wishing to Transfer an employee to a different department or classification shall make a recommendation to the County Manager. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy. Employees who are transferred to a different department will serve a nine-month probationary period.

### **Section 8. Accommodations**

The County is committed to complying with the Americans with Disabilities Act (“ADA”) and North Carolina law. Accordingly, the County will provide a reasonable accommodation to qualified individuals with disabilities, unless it creates an undue hardship or poses a direct threat to the health and safety of others. You should make a request for a reasonable accommodation to your Department Head. The request should be made in writing.

The County is also committed to providing a reasonable accommodation of an Employee’s sincerely held religious belief, when required by law, unless doing so would create an undue hardship for the Department. You should make a request for a reasonable accommodation to your Department Head. The request should be made in writing.



## **ARTICLE V. CONDITIONS OF EMPLOYMENT**

### **Section 1. Work Schedule**

Department Heads shall establish work schedules, with the approval of the County Manager, which meet the operational needs of the department in the most cost-effective manner possible.

### **Section 2. Political Activity**

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

- a) Engage in any political or partisan activity while on duty;
- b) Use official authority of influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c) Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d) Coerce or compel contributions from another employee of the County for political or partisan purposes;
- e) Use any supplies or equipment of the County for political or partisan purposes; or

County employees in certain federally-funded programs are subject to the Hatch Act, as amended in 1975. This federal act, in addition to prohibiting (b), (c), and (d) above, also prohibits candidacy for elective office in a partisan election. This policy is not intended to intrude upon any First Amendment or Fourteenth Amendment rights of County Employees.

Any violation of this section shall be deemed improper conduct and shall subject the employee to disciplinary action under this Policy.

### **Section 3. Expectation of Ethical Conduct**

The proper operation of County government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

As stewards of public resources and holders of the public trust, County employees are expected to uphold the highest standards of ethical conduct while fulfilling their job duties and responsibilities.

No employee of the County shall accept any gift, favor, or thing of value (more than \$50) from organizations, business firms, or individuals with whom they have official relationships because of

County business. These limitations do not prohibit the acceptance of articles of negligible value which are distributed generally, nor prohibit employees from accepting social courtesies that provide good public relations, not prohibit employees from obtaining loans from public lending institutions. It is particularly important that inspectors, contracting officers, and law enforcement officers guard against relationships that might be construed as evidence of favoritism, coercion, unfair advantage, or collusion.

#### **Section 4. Outside Employment**

The work of the County shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the County Manager. The County Manager will review such employment for possible conflict of interest and then approve or disapprove the secondary employment. Documentation of the approval of outside employment will be placed in the employee's personnel file. Any employee who obtains outside employment but does not receive approval for such employment under this policy shall be subject to disciplinary action up to and including dismissal.

Examples of conflicts of interest in outside employment *include but are not limited to*:

- a) employment with organizations or in capacities that are regulated by the employee or employee's department; or
- b) employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's County duties.

Off the job injuries: An employee who sustains an injury or illness in connection with outside employment and is receiving Workers' Compensation from that employer shall not be eligible to use accrued sick leave.

#### **Section 5. Dual Employment**

The County does not typically allow employees to hold more than one position with the County. In some cases, the County may make such an allowance, in its sole discretion. In the event the County makes such an allowance, one job shall be designated the primary position, and one shall be designated as the secondary position.

#### **Section 6. Employment of Relatives**

The County prohibits the hiring and employment of immediate family in permanent positions within the same work unit. "Immediate Family" is defined herein. If there is a lack of qualified applicants for a position in the same work unit and a qualified immediate family member applies, the supervisor may request the County Manager for an exception. Outside of the same work unit, the County will consider employing family members or related persons in the service of the County, provided that such employment does not:

- a) result in a relative supervising relatives;

- b) result in a relative auditing the work of a relative;
- c) create a conflict of interest with either relative and the County; or
- d) create the potential or perception of favoritism.

### **Section 7. Harassment**

Harassment on the basis of race, color, religion, gender, national origin, age, disability, or any other class protected by any applicable law, constitutes discrimination. The County opposes harassment by supervisors and co-workers in any form. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age, or disability, or that of his or her relatives, friends, or associates.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any employee who believes that he or she may have a complaint of harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the County Manager, Human Resources Director, or any department head who will advise the Human Resources Director of the complaint. The Human Resources Director will insure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation.

Employees witnessing harassment shall also report such conduct to an appropriate County official.

Employees who report or make a complaint of harassment will not be subject to retaliation for doing so.

### **Section 8. Use of County Time, Equipment, Supplies, and Vehicles**

County supplies and equipment are to be used exclusively for the County's business. During working hours, an employee shall only conduct County business. Use of County time, supplies, or equipment for personal or other purposes not related to the employee's County duties and responsibilities is prohibited and subjects the employee to disciplinary action, up to and including dismissal.

All employees, who use County vehicles are required to follow applicable motor vehicle and safety requirements, maybe subject to random drug tests and annual driver's license checks. Family members are not to be transported in County vehicles. Violation or misuse of County vehicles also subjects the employee to disciplinary action, up to and including dismissal.

County equipment, materials, tool and supplies, shall not be available for personal use and are not to be removed from County property except in the conduct of official County business, unless approved by the Board. No employee shall purchase for personal use any equipment or supplies

through County purchase accounts.

Separate policies covering the use of phones, email, computers, county cell phones and vehicles are available in the HR office or on the County website.

Under North Carolina law, email sent or received by the County is generally considered a public record and is subject to inspection upon request, and employees should therefore use caution with email correspondence and follow all applicable laws and regulations in relation to the same

Surrender of Property. An employee who terminates employment shall be required to return all items of equipment, including uniforms, ID badge, keys, credit cards, P-cards and other items owned by the County. Pursuant to applicable law, if County owned property is not returned within established timeframes, the County reserves the right to withhold portions of the employee's final check until the items are returned.

### **Section 9. Performance Evaluation**

Supervisors and/or Department Heads shall conduct Performance Evaluation conferences with each employee on or around their Anniversary Date. These performance evaluations shall be documented in writing and placed in the employee's personnel file. The performance evaluation policy is available in the HR office or on the County website.

### **Section 10. Safety**

Safety is the responsibility of both the County and employees. It is the policy of the County to establish a safe work environment for employees. The County shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department Heads and supervisors are responsible for insuring the safe work procedures of all employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety training programs. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Additional detailed procedures regarding safety, worker's compensation, injury, and infection control may be established by the County Manager.

### **Section 11. Immigration Law Requirements**

All employees are required to furnish proof of citizenship or other required documents indicating a legal right to work in the United States. Copies of the completed I-9 form shall be a permanent part of their personnel file. The County uses E-verify which is an Internet-based system operated by the U.S. Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA) that allows participating employers to electronically verify the employment eligibility of their newly hired employees. E-verify works by electronically comparing the information on an employee's Form I-9 with SSA and DHS records to verify the identity and employment eligibility of each newly hired employee and/or employee assigned to a covered federal contract. All new, temporary, and rehire employees must be entered into E-verify individually.

## **Section 12. Substance Abuse and Employee Assistance Program**

The County is firmly committed to maintaining a drug and alcohol-free work environment in order to insure the safety and welfare of the general public and all County employees and to insure an efficient and effective work force. The County also seeks to aid employees experiencing substance abuse problems by offering rehabilitation opportunities. The County Manager has the authority to establish, administer, and enforce substance abuse processes and procedures within the County. A separate Substance Abuse Policy is available in the HR office or on the County website. An Employee Assistance Program is available to County employees through the County's insurance. Contact the HR office for details or refer to your insurance card.

## **Section 13. Credentials and Certifications**

Some duties assigned to positions in local government service may be performed only by persons who are duly licensed, registered or certified as required by the relevant law, rule or regulation. Employees in such classifications are responsible for maintaining current, valid credentials as required by law, rule or regulation. Failure to obtain or maintain the required credentials may be a basis for immediate dismissal without prior warning. An employee who is dismissed shall be given a written statement of the reason for the action and his/her appeal rights.

## **Section 14. Travel rules and Regulations.**

The policy of the County is to reimburse employees traveling on authorized County business for work related expenses incurred as a result of the travel. Each department head is responsible for authorization of employee travel and the reimbursement of travel expenses in accordance with procedures issued periodically by the finance department. The County Manager shall authorize and approve travel for department heads.

## **Section 15. Internet access.**

The County provides Internet access via various computers throughout the county offices. Any employee utilizing the Internet shall comply with the Acceptable Computer Use & Security Policy. Violation of this policy represents grounds for dismissal.

## **ARTICLE VI. EMPLOYEE BENEFITS**

### **Section 1. Eligibility**

All Full-time employees of the County who are in permanent positions are eligible for employee benefits as provided for in this Article which are subject to change at any time at the County's discretion. Temporary and Part-time employees are eligible only for workers' compensation and social security.

### **Section 2. Group Health and Hospitalization Insurance**

The County provides group health and hospitalization insurance programs for Full-time permanent employees.

Employees may add dependents to the group health and hospitalization insurance at a cost paid by the employee.

Information concerning cost and benefits shall be available to all employees from the Human Resources Office.

### **Section 3. Group Life Insurance**

The County provides paid life insurance to its employees. Information on costs, coverage, and benefits are available from the Human Resources Office.

### **Section 4. Other Optional Group Insurance Plans**

The County may make other group insurance plans available to employees upon authorization of the County Manager or County Board. Information on costs, coverage, and benefits are available from the Human Resources Office.

### **Section 5. Retirement**

Each employee who is expected to work for the County more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System when eligible as a condition of employment. New hires who are current members of the NC Local or State Government Employees' Retirement System will likely be covered under the retirement system as of their first day of employment.

Employees contribute, through payroll deduction, six percent of their gross salary to the system. The County contributes an actuarially determined percentage of the gross payroll each month to the system.

Provisions of this system are further outlined in the North Carolina Local Government Employees' Retirement System handbook available from the Human Resource Office. Please note that the specifics of this program may change from time to time and the provisions of LGERS, not this Handbook, will apply.

Please also note that law enforcement officers may be covered by the Law Enforcement Officer's Benefit and Retirement Fund, which applies different criteria. Information on the NCLEOBRF can be found in the Human Resources Department.

### **Retiree Health Insurance**

A Regular, Full-time employee of the County who applies for and receives full or reduced LGERS or NCLEOBRF retirement may continue comparable individual coverage as is provided to active, full time County employees. In the event the County requires its active Full-time employees to pay a pro-rated share of his or her individual medical insurance costs, eligible retirees will also be required to pay the same pro-rated share as active Full-time employees. The cost for the employee's share of the premiums, if any, will be determined on an annual basis.

Retiree health benefits are provided on the following pro-rated basis based on years of Continuous Employment with Person County:

- a) The County will pay 50% of the cost of comparable individual coverage for an employee retiring with 20 years of Continuous Employment with Person County;
- b) The County will pay 75% of the cost of comparable individual coverage for an employee retiring with 25 years of Continuous Employment with Person County;
- c) The County will pay 100% of the cost of comparable individual coverage for an employee retiring with 30 years of Continuous Employment with Person County.

Coverage will continue until the employee becomes eligible for Medicare, at which time the County will no longer pay for comparable coverage.

In the event the eligible retiree chooses to cancel or elects not to participate in the retirement health insurance benefit, or otherwise is disqualified for receipt of the retirement health insurance benefit, the eligible retiree will not be allowed to reapply for the retirement health insurance benefit at a later date.

The retirement health insurance benefit will be applied only to eligible retirees. Should an eligible retiree wish to continue benefits for a dependent, the eligible retiree may do so at the same level allowed for active, full time employees, and at his or her own personal expense. Dependent coverage will terminate at the death of the retired employee.

Service time credit with the County will be calculated based on actual service time and any sick leave time that is on balance with the County at the time of retirement.

The County has the sole discretion to change providers, determine the amount of pro-rated shares, and to determine coverage or plan options for both active employees and eligible retirees.

## **Section 6. Supplemental Retirement Benefits (401-K)**

The County allows employees to defer a portion of their income before taxes into a 401-K tax deferment plan. The County provides contributions of 5% to a 401-K plan for active law enforcement personnel as required by the state, and an amount to be determined by the County Commissioners to other full-time permanent employees.

The County also pays a monthly separation allowance to retired law enforcement officers as required by General Statutes.

The County may choose to offer other deferred compensation or supplemental programs.

## **Section 7. Social Security**

The County, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees and eligible groups and classes of such employees.

## **Section 8. Workers' Compensation**

All employees of the County (Full-time, Part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken.

Employees may elect to use sick leave and/or vacation both during the waiting period before Workers' compensation benefits begin, and afterward to supplement the remaining one-third of salary, except that employee may not exceed the regular salary amount using this provision. This provision also applies to reactions to small pox vaccinations administered to County employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers compensation claim as regards leave and salary continuation.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee. Supervisors and employees should place Human Resources on notice of any work-related accident immediately after it occurs, if possible. The Human Resources department will coordinate the filing of such claims.

## **Section 9. Unemployment Compensation**

County employees are covered by unemployment insurance. County employees who are terminated due to a reduction in force or released from County service may apply for benefits through the local Employment Security Commission office, where a determination of eligibility will be made.

## **Section 10. Tuition Assistance Program**

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the County service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed eligible expenses up to a total of eight hundred dollars (\$800) per fiscal year. Satisfactory completion of the courses will be



required for reimbursement. Requests for tuition assistance shall be submitted to the Department Head in writing prior to course registration and are subject to the review and approval of Department Head, HR Director and County Manager, subject to availability of funds. If approved, reimbursement will be taken from the department's training and/or travel line item. If an employee terminates within 3 years of tuition reimbursement he/she will be required to reimburse the County a pro-rated amount.

#### **Section 11. Credit Union**

Membership in the Local Government Employees' Credit Union is open to all County employees for various loan services, checking, and savings accounts. Membership in the State Employees' Credit Union is open to all employees under the State Human Resources Act and their family members for various loan services, checking, and savings accounts.

## **ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE**

### **Section 1. Policy**

The policy of the County is to provide annual leave, sick leave, and holiday leave to all Full-time employees in a permanent position with the County. Leave balances accrue with each payroll cycle (excluding when a third check is issued in a month) when employees are working or are in a paid leave status. Leave balances should be printed on payroll checks or provided to employees with each paycheck, including net accrued sick leave, annual, holiday leave, and compensatory leave.

### **Section 2. Holidays**

The policy of the County is to follow the holiday schedule as published by the State of North Carolina each year. The schedule for the calendar year will be published by December 1 of the previous calendar year for distribution to County employees. Regardless of their scheduled hours, employees regularly scheduled to work 8 or more hours in a day will be entitled to receive 8 hours of Holiday pay for each Holiday. Employees regularly scheduled to work 7.5 hours in a day will be entitled to receive 7.5 hours of Holiday Pay for each holiday.

### **Section 3. Holidays: Effect on Other Types of Leave**

Regular holidays which occur during annual, sick or other leave period of any employee shall not be considered as annual, sick, or other leave.

### **Section 4. Holidays: Compensation When Work is Required**

Public Safety employees required to perform work on regularly scheduled holidays shall be entitled to receive 8 hours pay for the holiday, regardless of the time spent working. In other words, if a Public Safety Employee works 10 hours on a holiday, the employee will be paid their regular wage for the actual time worked, plus 8 hours of holiday pay.

All other employees who are required to work on a holiday, or work longer hours on non-holidays during the week of a holiday (for non-exempt employees only), will be entitled to receive either 7.5 or 8 hours of holiday pay depending on their work schedules as described above. Any earned holiday pay which is in excess of the employee's standard weekly pay will be "banked" as holiday time, and shall be used before any annual leave is applied. For example, if a non-exempt employee usually works 37.5 hours a week, works 32 hours Monday through Thursday, and does not work on the Friday Holiday, 5.5 hours of holiday time will be used in order to ensure the employee receives his or her regular weekly wage, and 2 hours of time will be "banked" for the employees' use in the future. In the event this same employee worked 30 hours Monday through Thursday, the employee would be paid for all 7.5 hours of holiday pay. Upon termination, an employee will be paid for any unused holiday time that is available.

Departments with employees working a shift schedule will compensate those employees for working on the "true" holiday.

## **Section 5. Annual Leave**

Annual leave may be used for any purpose. Full-time Employees (including Probationary employees) must request annual leave from their supervisor with as much advance notice as possible, or as determined by the Department Head. Annual leave may also be used by employees who wish to observe religious holidays other than those granted by the County, upon request in advance. Supervisors are responsible for insuring proper staff coverage and may refuse annual requests when they create a hardship for the County

## **Section 6. Annual Leave: Accrual Rate**

Full-time Employees (including probationary employees) of the County shall earn annual leave at the following schedule,

<b>Years of Service</b>	<b>Days Accrued Per Year</b>
0 - 4	12
5 - 9	15
10 - 14	18
15 - 19	20
20 plus	21

Annual leave should be accrued in each payroll period on a pro-rated basis.

## **Section 7. Annual Leave: Maximum Accumulation**

Annual leave may be accumulated without any applicable maximum until December 31 of each year. Effective the last payroll in the calendar year, any employee with more than 30 days of accumulated leave shall have the excess accumulation converted to sick leave so that only 30 days are carried forward to January 1 of the next calendar year.

Because the number of hours in employee work weeks vary, the number of hours in 30 days varies. 30 days for 37.5 hour employees = 225 hours; 30 days for 40+ hour employees = 240 hours.

Employees are cautioned not to retain excess accumulated annual leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted annual leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having annual leave scheduled or in receiving any exception to the maximum accumulation. Employees may not receive pay for excess annual leave time.

## **Section 8. Annual Leave: Manner of Taking**

Employees shall be granted the use of earned annual leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the County. Department heads are responsible for insuring that approved annual leave does not hinder the effectiveness of service delivery. Annual leave will be taken in quarter hour units.

## **Section 9. Annual Leave: Payment upon Separation**

An employee who has successfully completed their initial probationary period will normally be paid for accumulated annual leave upon separation subject to the 30-day maximum, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Department Heads are required to give a 30-day notice. Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the County Manager when deemed to be in the best interest of the County.

Non-probationary employees who are involuntarily separated shall receive payment for accumulated annual leave subject to the 30-day maximum.

Probationary Employees will not receive payment for any accumulated annual leave should their employment end during or at the end of the Probationary Period.

## **Section 10. Annual Leave: Payment upon Death**

The estate of an employee who dies while employed by the County shall be entitled to payment of all the accumulated annual leave credited to the employee's account not to exceed the 30-day maximum.

## **Section 11. Sick Leave**

Sick leave with pay is not a right which an employee may demand, but a privilege granted for the benefit of an employee when sick. Sick leave may be granted to a Full-time employee (including probationary employees) absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill, but may not be used to care for healthy children when the regular care giver is sick.

Sick leave may also be used to supplement Workers' Compensation Disability Leave both during the waiting period before Workers' Compensation benefits begin, and afterward to supplement the remaining salary, except that employees may not exceed their regular salary amount using this provision.

"Immediate family" is defined in the definitions section of this Policy.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave when the need for leave is known. When unknown, the employee should notify his or her supervisor no later than two hours prior to the beginning of the scheduled workday. Please note that different departments may specifically require more than two (2) hours' notice. Failure to do so appropriately may result in disciplinary action.

In the event the employee needs to take more than three (3) consecutive days of sick leave, the employee should inform his or her supervisor or Human Resources of the same so that the employee

can appropriately be considered for FMLA. Supervisors should ensure that Human Resources is aware of any absence that exceeds three (3) consecutive days.

Employees who take an entire day of sick leave will be paid based on the hours scheduled to work on that day. Payment for sick leave hours in excess of the employee's scheduled work hours shall not be an option. Sick leave will generally be authorized only for the time off that would fall on a scheduled workday.

In order to facilitate the recruitment of qualified persons with appropriate public-sector experience, the County Manager may authorize the carry-over of all of the unused sick leave that has been certified as accumulated during employment with a past state or local government employer under the State or Local Government Employees Retirement System.

### **Section 12. Sick Leave: Accrual Rate and Accumulation**

Sick leave shall accrue at a rate of one day per month of service or twelve days per year for full time employees. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the County, except as stated for employees retiring pursuant to the terms of the North Carolina Local Government Retirement System. Sick leave will be kept on file for five years with the County.

### **Section 13. Sick Leave: Medical Certification**

The employee's supervisor or Department Head may require a physician's certificate stating the nature of the employee or immediate family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave, whenever the supervisor observes a "pattern of absenteeism," or for other applicable reasons. The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- a) Employees shall not be on duty when they might endanger their health or the health of other employees; and
- b) There will be no abuse of leave privileges.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action.

### **Section 14. Bereavement Leave**

Sick leave may be used for death in the employee's immediate family, but may not exceed three days for any one occurrence. Any additional leave would need to be approved by the Employee's supervisor.

## **Section 15. Extended Leave**

A full-time permanent employee may be granted an extended leave of absence for a period of up to six months by the County Manager. The leave should be used for reasons of personal disability, sickness or disability of immediate family members, continuation of education, special work that will permit the County to benefit by the experience gained or the work performed, or for other reasons deemed justified by the County Manager.

The employee shall apply in writing to the Department Head for leave and the Department Head will forward to the County Manager. The employee is obligated to return to duty within or at the end of the time determined appropriate by the County Manager unless otherwise required by law. Upon returning to duty after being on leave for up to six months the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. After the six months of leave, the County will make all efforts to return the employee to the same position held at the time leave was granted, or to a position of like classification, seniority, and pay, but an employee is not entitled such reinstatement unless otherwise required by law. If the employee decides not to return to work, the Department Head shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension or other type of accommodation has been requested, shall be considered a resignation.

An employee on an extended leave of absence will be required to exhaust any unused holiday hours, compensatory time, sick leave, annual leave, or other paid leave prior to going into a leave without pay status. While in a paid leave status, all benefits and entitlements which would normally accrue will continue to accrue. While in a leave without pay status, the employee may continue to be eligible for benefits under the County's Group insurance plans at his or her own expense, subject to any regulation adopted by the County Commissioners, the regulations of the insurance carrier, and any other federal, state or local law. At the time at which a triggering event occurs, an Employee will be provided with a COBRA notice.

Leave for a permanent Part-time employee will be considered on a case by case basis, and will be allowed in the sole discretion of the County.

## **Section 16. Family Medical Leave**

The County will grant family and medical leave of up to 12 weeks and up to 26 weeks of military caregiver leave, during any calendar year, to eligible employees in accordance with the Family and Medical Leave Act.

During the FMLA period, eligible employees are required to exhaust all available paid leave before going on a leave without pay, and such paid time should be coordinated with the County's annual, sick leave and compensatory time off policies. Employees must also use any paid time off which is accrued while they are in a paid leave status prior to going on a leave without pay. Once available paid leave has been exhausted, the remaining FMLA leave period will be unpaid. Additional time away from the job beyond the 12-week period may be approved in accordance with the County's leave without pay policy.

To qualify for FMLA coverage, the employee must have been employed by the County for at least 12 months; which do not have to be consecutive. However, the employee must have worked 1,250 hours during the twelve-month period immediately before the date when the FMLA leave is

scheduled to begin.

Leave can be used for the following reasons:

- a) For incapacity due to pregnancy, prenatal medical care or child birth;
- b) For the birth of, and to care for, the employee's child after birth;
- c) For placement of a child with employee for adoption or for foster care;
- d) To care for the employee's spouse, son or daughter or parent, who has a serious health condition;
- e) For a serious health condition that makes the employee unable to perform the functions of their job;
- f) To care for the employee's spouse, child, parent or next of kin who is a Covered Service member with a Serious Injury or Illness incurred while on active duty (Military Caregiver Leave); and/or
- g) Because of a Qualifying Exigency of an employee's spouse, child or parent who is either on active duty or who has been called to active duty (Military Exigency Leave).

An employee who takes leave under this policy will be entitled to return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

If both spouses work for the County and each wish to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent in-law) with a serious health condition, the spouses together may only take a total of 12 weeks leave under FMLA.

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use all paid annual leave and accrued compensatory time for the remainder of the 12-week period.

An employee does not need to use FMLA leave in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the County's operations. The County reserves the right to request updated medical certifications every 30 days for intermittent leave. The County will charge the employee's FMLA for any leave taken for the purpose of the FMLA qualifying health condition. Accordingly, it is the employee's duty to notify his or her department head so that it is clear that the need for unplanned leave is FMLA qualifying. If it is unclear, please be aware that the department head may ask whether the need for the leave is for the employee's FMLA qualifying health condition.

Untruthful responses to County inquiries, untruthful statements on medical certifications, or working for ones' self or another entity while on FMLA leave will be considered abuse of the county's leave policies and may subject an employee to discipline.

A "Serious Health Condition" is defined as an injury, impairment, or physical or mental condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider, or continuing treatment by a health care provider which includes any period of incapacity due to a chronic or long-term health condition which results in a period of incapacity or more than three days. Pregnancy or prenatal care, a chronic, serious health condition which continues over an extended period of time and requires periodic visits

to a health care provider, or permanent or long-term condition for which treatment may not be effective, or any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three (3) days if not treated, will all likely qualify as a serious health condition.

“Military Exigency” is a qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a military service member (reserve or national guard) under a call or order to federal active duty in support of a contingency operation. Qualifying events are:

1. deployment of service member with seven or fewer days’ notice;
2. military ceremonies and events such as family-assistance or informational programs related to the family member’s active duty or call to active duty;
3. urgent, immediate childcare or arranging for alternative childcare for the children of service members;
4. attending school or daycare meetings relating to the child of service member;
5. making financial or legal arrangements related to a family member’s active duty status or call to active duty; or
6. post-deployment activities for a period of ninety days after the termination of the service member’s active duty status.

“Military Caregiver Leave” includes an employee whose spouse, son, daughter, parent or next of kin is a current service member who is undergoing treatment, therapy, recuperation or outpatient treatment or has temporary disability retirement for injury or illness sustained in the line of duty, is eligible for 26 weeks of leave in a single 12-month period. During a single 12-month period, the employee is eligible for a total of 26 weeks of all types of FMLA leave.

### **Section 17. Family and Medical Leave: Medical Certification**

In order to qualify for leave under this law, the County requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request under most scenarios). The certification and request must be made to the department head and filed with the Human Resources Director.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time off in writing under the County's Leave Without Pay policy, or has requested some other type of accommodation.

### **Section 18. Family Medical Leave and Leave Without Pay: Retention and Continuation of Benefits**

When an employee is on leave under FMLA, the County will continue the employee's health benefits



during the leave period at the same level and under the same conditions as if the employee had continued to work. In the event the Employee is required to pay a portion of his or her health care premium, the Employee must make arrangements to do so with the Human Resources Director prior to beginning FMLA leave. If an employee chooses not to return to work for reasons other than a continued serious health condition, the County will require the reimbursement of the amount paid for the employee's health insurance premiums during the FMLA leave period.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

During the time an employee uses paid leave, including but not limited to sick leave, annual leave or holiday leave during FMLA leave, the employee will continue to accumulate sick and annual leave. An employee ceases to accrue leave on the date leave without pay begins and service credit with LGERS is not typically earned while in a leave without pay status.

### **Section 19. Workers' Compensation Leave**

All injuries arising out of, and during, the course of employment should be reported by the injured employee to the immediate supervisor as soon as possible. The supervisor or department head shall file an injury report to the Human Resources department within twenty-four (24) hours of the time of the accident.

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave, annual, or compensatory time during the first waiting period. These days will be reimbursed only if the disability continues for more than twenty-one (21) days. When workers' compensation leave extends long enough for the waiting period to be reimbursed, the employee shall return the reimbursement check to the County and have leave hours reinstated for all time covered by paid leave. In such cases, the County will pay the employee for any unpaid time that is owed the employee. The employee may also elect to supplement workers' compensation payments after they begin with sick leave, annual, or compensatory time, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. If an employee elects to supplement time, employees will need to key their time into the timesheet under the workers' compensation sick leave pay type.

An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the County's group insurance plans. The employee will continue to accrue leave, such as sick, annual and holiday leave, while supplementing workers' compensation leave, and will retain all accumulated sick and annual leave. Service in LGERS, however, will not accrue during the period of workers' compensation leave. Employees are encouraged to contact LGERS for any questions related to creditable service time.

- a) Injured employees must notify their supervisor when they are placed out of work by the attending physician. The department head will submit a personnel action form to Human Resources to place the employee on workers' compensation leave.
- b) Before returning to work, a statement from the attending physician should be submitted to the Human Resources department giving permission for the employee to resume regular or modified duties.

- c) Upon return to work, the employee's department head will submit a personnel action form to Human Resources to remove the employee from workers' compensation and the employee's salary will be computed on the basis of the last salary plus any merit increment or other salary increase to which the employee would have been entitled during the disability covered by workers' compensation.

This provision also applies to reactions to small pox vaccinations administered to County employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers' compensation claim as regards leave and salary continuation.

## **Section 20. Military Leave**

The County will fully comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and any other federal, state or local law that requires protection or benefits service members. Regular employees entitled to military leave pursuant to state or federal law will be eligible to receive up to four weeks of paid leave in one year. However, if the employee receives military pay during this time, the employee shall only receive partial compensation equal to the difference in the base salary earned during this same period as a County employee. The effect will be to maintain the employee's salary at the normal level during this period.

If time off is required beyond four weeks in a year, the employee shall be eligible to take accumulated holiday leave, compensatory time, sick leave and annual leave or be placed in a leave without pay status, and the provisions of that leave shall apply. Compensatory time should be used first.

While taking protected military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee remained employed with the County. . It is the responsibility of the employee to pay for supplemental insurances. Employees who are eligible for military leave have all job rights specified state and federal law.

## **Section 21. Reinstatement Following Military Service.**

The County will fully comply with the requirements of USERRA and other applicable federal, state or local laws. An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

- a) Applies for reinstatement within ninety days after the release from military service; and
- b) Is able to perform the duties of the former position or similar position; or
- c) Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of military service, but is able to perform the duties of another position in the service of the County. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

## **Section 22. Civil Leave**

A County employee called for jury duty, receives a subpoena or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the County any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty. This Section is meant to apply to provide protected, unpaid leave for Jury Duty, Domestic Violence leave, and Juvenile Court Order leave, as required by the North Carolina General Statutes.

## **Section 23. Parental School Leave**

Under NC General Statutes 95-28.3, a County employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of unpaid leave annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the three following conditions:

- 1) The leave must be taken at a time mutually agreed upon by the employee and the County;
- 2) The County may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- 3) The County may require written verification from the child's school that the employee was involved at the school during the leave time.

Paid leave (annual time or earned compensatory time) taken by an employee to attend to school activities of his or her child shall count toward the fulfillment of this provision by the County.

## **Section 24. Voluntary Shared Leave**

### **Purpose**

There are occurrences brought about by serious and prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave without pay. It is recognized that such employees forced to go on leave without pay could be without income at the most critical point in their work life. It is also recognized that fellow employees may wish to voluntarily donate some of their paid leave so as to provide assistance to a fellow employee. This policy would provide an opportunity for employees to assist another affected by a medical condition that requires absence from duty for a period of time resulting in possible loss of income due to lack of accumulated leave.

This policy and program will provide the opportunity for one employee to help another on a one to one, personal basis. It does not permit "banking" of leave.

### **Policy**

In those cases of a medical condition an employee may apply for or be nominated to become a

recipient of leave transferred from the paid leave account of another employee. For purposes of this policy, medical condition means medical condition of an employee or a family member of such employee that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee due to limited leave in the employee's leave account. The intent of this policy is to allow one employee to assist another in case of a crisis involving a serious or prolonged medical condition. It is not the intent of this policy to apply to incidental, normal, short-term medical conditions.

The use of paid leave on a shared basis for any purpose other than specified by this policy is prohibited. An employee who has a medical condition and who receives benefits from the Disability Income Plan of North Carolina (DIPNC) is not eligible to participate in the shared leave program.

Participation in this program is limited to six months, either continuously or, if for the same condition on a recurring basis. However, management may grant employee continuation in the program, month by month for a maximum of one year, if management would have otherwise granted leave without pay.

An employee on workers' compensation leave who is drawing temporary total disability compensation may be eligible to participate in this program. Use of donated leave under the workers' compensation program would be limited to use during the required waiting period.

## **Administration**

This program shall be administered through Human Resources under the following conditions:

- I. Qualifying to Participate
  - a. Employee must be a full time permanent, probationary, Work Against or trainee appointment status.
  - b. By letter of application to Human Resources, a recipient shall apply, or be nominated by a fellow employee to participate in the program. Medical certification from a physician is required.
  - c. Application for participation would include name, social security number, classification, department and estimated length of time needed to participate in the program.
  - d. By submission of the application or nomination the employee is aware the HR department will post the request to County departments.
  - e. The department head and Human Resources shall review the merits of the request and approve or disapprove.
  - f. Establishment of a leave "bank" for use by unnamed employees is expressly prohibited.
  
- II. Participation Requirements
  - a. A donor may contribute annual leave or sick leave.
  - b. The minimum amount to be donated is four hours.
  - c. An employee shall have exhausted all available annual, sick, and comp leave to become eligible to use donated leave.
  - d. The maximum amount of leave allowed to be donated by one individual is to be no more than the amount of the individual's annual accrual rate. However, the amount donated is not to reduce the donor's annual leave balance below one-half of the annual leave accrual rate.

- e. Leave donated to a recipient's leave account is exempt from the maximum accumulation carry over restrictions at calendar year end.

An employee may not directly, indirectly, intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using annual/sick leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating leave cannot receive remuneration for the leave donated.

### III. Donor Leave Accounting and Usage Procedures

- a. Donor forms will be returned to Human Resources. Each department shall maintain a system of leave accountability which will accurately record leave donations and recipients use. Such accounts shall provide a clear and accurate record for financial and management audit purposes. Notes should be made on both recipient and donor timesheets indicating participation in the program and amount of participation.
- b. Withdrawals from recipient's leave account will be charged to the recipient's account according to usual leave policies.
- c. At the expiration of the medical condition, any unused donated leave will be returned to the donors on a pro-rated basis. Each approved emergency medical condition shall stand alone and donated leave not used in accordance with the above provisions shall be considered as having served its purpose, shall lose its identity, and shall be deleted and the account closed.

## **ARTICLE VIII. SEPARATION AND REINSTATEMENT**

### **Section 1. Types of Separations**

All separations of employees from positions in the service of the County shall be designated as one of the following types and shall be accomplished in the manner indicated: Resignation, reduction in force, disability, voluntary retirement, dismissal, or death.

### **Section 2. Resignation**

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two weeks. A thirty-day notice is required for department heads. Failure to provide minimum notice shall result in forfeit of payment for accumulated annual leave unless the notice is waived upon recommendation of the Department Head, Human Resource Director and approval by the County Manager. When a resignation is submitted, the Appointing or Hiring Authority may in its sole discretion, make the decision to release the employee at any time prior to the end of the notice given. In this event, the employee shall not be entitled to receive wage payments after the last day actually worked.

Three consecutive days of absence without contacting the immediate supervisor or Department Head is generally considered to be a voluntary resignation.

Sick leave will only be approved during the final two weeks of a notice with a physician's certification of comparable documentation.

### **Section 3. Reduction in Force**

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks' notice of the anticipated action. No Regular employee shall be separated while there are temporary, emergency or probationary employees serving in the same class in the department, unless the Regular employee is not willing to transfer to the position held by the temporary or probationary employee.

### **Section 4. Disability**

An employee who cannot perform the essential functions of their position with or without a reasonable accommodation because of a disability may be separated for disability. Action may be initiated by the employee or the County. In all cases, such action must be accompanied by medical evidence acceptable to the Department Head Human Resource Director and County Manager. The County may require an examination, at the County's expense, performed by a physician of the County's choice.

### **Section 5. Voluntary Retirement**

An employee who meets the conditions set forth under the provision of the North Carolina Local

Government Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan.

### **Section 6. Death**

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

### **Section 7. Dismissal**

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

### **Section 8. Reinstatement**

An employee who is separated because of reduction in force may be reinstated within five years of the date of separation, upon recommendation of the supervisor and approval of the Human Resource Director and the County Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

### **Section 9. Rehiring**

An employee who resigns while in good standing may be rehired with the approval of the Appointing Hiring Authority, and shall be regarded as a new employee, subject to all of the provisions of rules and regulations of this Chapter. However, the employee shall be credited with his or her previously accrued sick leave if he or she is rehired within five years. If an employee is rehired within one year of resigning, the annual leave accrual rate they previously had can be used.

## **ARTICLE IX. UNSATISFACTORY PERFORMANCE OF DUTIES, GROSSLY INEFFICIENT JOB PERFORMANCE, AND UNACCEPTABLE PERSONAL CONDUCT**

Please note that this policy does not apply to employees in the probationary period. In addition, to the extent that this policy conflicts with the State Human Resources Act, this policy shall not apply to employees subject to said Act.

### **Section 1. Disciplinary Action for Unsatisfactory Performance of Duties**

A Regular employee may be placed on disciplinary suspension (without pay), demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the Human Resource Director and the County Manager, Appointing or Hiring authority prior to giving final notice to the employee.

### **Section 2. Unsatisfactory Performance of Duties Defined**

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the supervisor. Examples of unsatisfactory job performance include, but are not limited to, the following:

- a) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- b) Careless, negligent or improper use of County property or equipment;
- c) Unsatisfactory performance of duties as defined in the Performance Evaluation Policy;
- d) Discourteous treatment of the public or other employees;
- e) Absence without approved leave;
- f) Repeated improper use of leave privileges;
- g) Pattern of failure to report for duty at the assigned time and place;
- h) Failure to complete work within time frames established in work plan or work standards;
- i) Failure to meet work standards over a period of time;
- j) Failure to follow the chain of command to address work-related issues, unless authorized by the County's policies;
- k. Failure to comply with County policies;
- l. Insubordination – the willful or refusal to carry out a reasonable order from an authorized supervisor;
- m. Failure to meet work standards or perform critical tasks;



- n. Poor work habits, such as chronic tardiness; or
- o. Unsafe behavior at work.

### **Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance**

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor should meet with the employee as soon as possible for a counseling session and may issue a written warning to discuss specific performance problems. An employee whose job performance is unsatisfactory over a period of time should receive at least two written warnings from the supervisor, the last of which will notify the employee that failure to make the required performance improvement may result in dismissal, before disciplinary action resulting in dismissal is taken by the County Manager, Appointing or Hiring Authority. All written warnings will become a part of the employee's personnel file.

### **Section 4. Disciplinary Action for Unsatisfactory Performance of Duties**

If the employee's performance continues to be unsatisfactory, and the employee has received at least two written warnings as described above, then the supervisor should use the following disciplinary steps:

- a) A written recommendation from the Department Head should be sent to the Human Resources Director, County Manager, Appointing or Hiring Authority for disciplinary action such as suspension, demotion, or dismissal, and, if required, the employee should thereafter be notified that a pre-disciplinary conference is being scheduled.
- b) In the event the Department Head is the Appointing or Hiring Authority, a final written notice should be from the Department Head to the employee to place them on notice that a pre-disciplinary conference is being scheduled.

### **Section 5. Pre-Disciplinary Conference for Unsatisfactory Performance of Duties**

Before disciplinary action is taken for unsatisfactory performance of duties, the County Manager, Appointing or Hiring Authority, the Human Resources Director or a Department Head will conduct a pre-disciplinary conference. At this conference, the employee may present any response to the proposed disciplinary action to the County Manager, Appointing or Hiring Authority, Human Resource Director or Department Head. This group will consider the employee's response, if any, to the proposed action, and will, no later than the end of the second business day following the pre-disciplinary conference, notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights under the County's grievance procedure.

### **Section 6. Unacceptable Personal Conduct Defined**

Unacceptable personal conduct (previously and often referred to as "detrimental personal conduct") includes behavior of such a serious detrimental nature that the functioning of the County may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of the government may be or have been violated. The Unacceptable Personal Conduct category is

intended to be used for actions and behaviors exhibited for which no reasonable person could, or should, expect to receive prior warnings.

Examples of unacceptable personal conduct include, but are not limited to, the following:

- a) Job related conduct which constitutes violation of state or federal law, including but not limited to acts of fraud or theft; or
- b) Conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the agency; or
- c) The willful violation of known or written work rules; or
- d) Conduct unbecoming an employee that is detrimental to the agency's service; or
- e) The abuse of client(s), patient(s), or a person(s) over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned or in the custody of the agency; or
- f) Falsification of an employment application or other employment documentation such as falsification of any record for personal profit, or to grant special privileges; or
- g) Insubordination which is the willful failure or refusal to carry out a reasonable order from an authorized supervisor;
- h) Absence from work after all authorized leave credits and benefits have been exhausted; or
- i) Grossly inefficient job performance.

For example only, willful violation of known or written work rules and conduct unbecoming an employee that is detrimental to the agency's service may include:

- 1) Willful misuse or gross negligence in the handling of County funds; Willful or wanton damage or destruction to property;
- 2) Willful or wanton acts that endanger the lives and property of others;
- 3) Possession of unauthorized firearms or other lethal weapons on the job;
- 4) Brutality in the performance of duties;
- 5) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- 6) Engaging in incompatible employment or servicing a conflicting interest;
- 7) Request or acceptance of gifts in exchange for favors or influence;
- 8) Engaging in political activity prohibited by this policy; or
- 9) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations.

Grossly Inefficient Job Performance occurs in instances in which the employee fails to satisfactorily perform job requirements as specified in the job description, work plan, or as directed by the management of a County department or agency that results in:

- A. The potential for death or serious harm to a client(s), employee(s), members of the public, or to a person over whom the employee has responsibility, or
- B. The loss of, or damage to, County property or funds that results in a serious impact on the County or department, or on the employee's ability to function effectively thereafter, or
- C. Any other instances of job performance deficiencies that may constitute a gross oversight in performance of duties.

This category is intended to be used in addressing failure in the performance of duties for which no reasonable person could, or should, expect to receive prior warnings.

### **Section 7. Disciplinary Action for Unacceptable Personal Conduct**

With the approval of the Department Head, Human Resources Director, and County Manager, Appointing or Hiring Authority, an employee may be placed on disciplinary suspension (without pay), demoted, or Dismissed without prior warning for causes relating to personal conduct detrimental to County service in order to:

- a) avoid undue disruption of work;
- b) to protect the safety of persons or property; or
- c) for other serious reasons.

Employees may be disciplined based on one instance of grossly inefficient job performance. The duration for suspensions will be reviewed case by case.

### **Section 8. Pre-Disciplinary Conference for Unacceptable Personal Conduct.**

Before disciplinary action is taken for unacceptable personal conduct the County Manager, Appointing or Hiring Authority, the Human Resource Director or a Department Head will conduct a pre-disciplinary conference. At this conference, the employee may present any response to the proposed action to the County Manager, Appointing or Hiring Authority, Human Resource Director or Department Head. This group will consider the employee's response, if any, to the proposed action, and will, no later than the end of the second business following the pre-disciplinary conference, notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights under the County's grievance procedure.

### **Section 9. Non-Disciplinary Suspension**

During the investigation, hearing, or trial of an employee on any criminal charge, during an investigation related to an alleged disciplinary, harassment or discrimination issue, during the course of any civil action involving an employee, or for any other reason when suspension would, in the sole discretion of the County, be deemed in the best interest of the County, the Department Head, with

the approval of the Human Resource Director and the County Manager, Appointing or Hiring Authority, may suspend the employee for the duration of the proceedings as a non-disciplinary action. Such suspension may be paid or unpaid, in the sole discretion of the County. At the discretion of the County, it may elect to allow the employee to use accrued paid leave during this suspension. In such cases, the County may:

- a) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension,
- b) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities, or
- c) Take any other actions necessary, as determined in the sole discretion of the County.

If the employee is reinstated following a suspension, such employee shall not lose any benefits to which otherwise employee would have been entitled had the suspension not occurred. All benefits with the exception of accrued annual leave and sick leave shall be maintained during the period of suspension. However, it is in the sole discretion of the County as to whether the employee will receive back-pay upon reinstatement after an un-paid non-disciplinary suspension. The duration for non-disciplinary suspension may be up to 90 days at the discretion of the County Manager.

## ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

### Section 1. Policy

It is the policy of the County to provide a just and prompt procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedure shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under the grievance procedure. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal.

Please note that, this policy does not apply to employees in the probationary period. In addition, to the extent that this policy conflicts with the State Human Resources Act, this policy shall not apply to employees subject to said Act.

### Section 2. Grievance Defined

Only issues specifically made grievable by this Article may be addressed through the grievance procedure. Grievable issues are:

1. Serious disciplinary actions – Serious disciplinary actions covered by this policy are demotion, disciplinary suspension without pay and dismissal. No other disciplinary actions may be grieved through this policy. Please note that employees who wish to present a grievance related to a dismissal are not required to undergo the informal processes detailed in this policy and should submit their grievance directly to the Human Resources Director, pursuant to Section 3, below.
2. Allegations of illegal discrimination – Allegations of illegal discrimination based on age, sex, race, color, national origin, religion, creed, or disability, or any other protected class under applicable law, in promotion, discipline, termination or upon the terms and conditions of employment may be grieved through this policy.
3. Allegations of unlawful workplace harassment – Allegations of harassment of any type may be grieved and/or reported through this policy.
4. Allegations of violations of any applicable federal or state law - as applied to the employee, including but not limited to
  - a. The Fair Labor Standards Act;
  - b. The Age Discrimination in Employment Act;
  - c. The Family Medical Leave Act;

- d. The Americans with Disabilities Act; and
- e. Title VII of the Civil Rights Act of 1964

Any item, matter or issue not specifically listed above is not a grievable issue. Specifically, the following matters are not covered by this policy and are **not** subject to the grievance policy:

- 1. Written warnings and placement on non-disciplinary suspension with or without pay.
- 2. Matters of inherent management rights – These matters include, but are not limited to, such areas as the programs and functions of Person County, budgetary allocation, standards of service, utilization of technology, and the assignment and re-assignment of staff to positions, duty stations, and shifts

### **Section 3. Purposes of the Grievance Procedure**

The purposes of the grievance procedure include, but are not limited to:

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures which affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures; and
- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees.
- 6) Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible in the chain of command; and
- 7) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the County or its leaders, thus freeing up employee motivation, productivity, and creativity.

### **Section 4. Procedure**

When an employee has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided herein or required by the State Human Resources Act, and every effort

should be made to expedite the process. However, the time limits set forth may be extended by mutual consent unless otherwise required by the State Human Resources Act. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved by the Appointing or Hiring Authority before the decision becomes effective.

**Informal Resolution.** Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the Human Resources Office as a resource to help resolve the grievance. Unless otherwise required by the State Human Resources Act, mediation will not be a formal step required during the informal resolution process.

**Step 1.** If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the supervisor in writing. The grievance must be presented within fifteen calendar days of the event or within fifteen calendar days of learning of the event or condition, or of written receipt of the notice of a disciplinary action, whichever occurs later. The supervisor shall respond to the grievance within five work days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the County in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

The response from each supervisory level for each step in the formal grievance process shall be in writing and signed and dated by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Human Resources Director.

**Step 2.** If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the Department Head within five work days after receipt of the response from Step 1. The Department Head shall respond to the appeal, stating the determination of decision within five work days after receipt of the appeal.

**Step 3. (For general County employees only)** If the grievance is not resolved to the satisfaction of the employee by the Department Head, the employee may appeal, in writing, to the County Manager, Appointing or Hiring Authority within five work days after receipt of the response from Step 2. The Appointing or Hiring Authority shall respond to the appeal, may meet with the employee to discuss the grievance fully, and will make a decision within ten calendar days. The Appointing or Hiring Authority's decision is final.

**Special Note:** The Sheriff and Register of Deeds, will carry out the responsibilities designated as the County Manager in their respective departments.

**Step 3. (For employees subject to the State Human Resources Act)** If the grievance is not resolved to the satisfaction of the employee by the Department Head, the employee may appeal the decision to the North Carolina Office of Administrative Hearings (OAH) within thirty calendar days of the receipt of the Department Head's decision. The findings of the OAH will be forwarded to the State Personnel Commission. The decision of the State Personnel Commission shall be advisory only and the Department Head shall have the final decision.

In conjunction with the County's grievance policy as listed above, employees subject to the State Human Resources Act which have complaints related to unlawful workplace harassment must submit those complaints/allegations in writing to the Department Head within 30 calendar days of the alleged harassing action, and the Department will be given 60 calendar days in which to take remedial action (by using the informal resolution process listed above), unless otherwise waived pursuant to the Act. Employees subject to the Act may elect to proceed through this Grievance policy, or to proceed directly to the State Human Resources Commission (SHRC) for a hearing by the Office of Administrative Hearings (OAH) on any grievance related to unlawful discrimination that does not involve unlawful workplace harassment. A direct appeal to the SHRC must be filed within 30 calendar days of receipt of notice of the alleged discriminatory act.

**Department Heads.** In the case of department heads or other employees where the Appointing or Hiring Authority has been significantly involved in determining disciplinary action, including dismissal, the Hiring Authority may wish to obtain a neutral outside party to either:

- (a) provide mediation between the grieving department head and the Appointing or Hiring Authority (see definition of mediation in informal resolution above); or
- (b) consider the appeal and make recommendations back to the Appointing or Hiring Authority concerning the appeal. Such parties might consist of human resource professionals, attorneys, mediators, or other parties appropriate to the situation.

Department heads may also request the application of these special provisions.

The Appointing or Hiring Authority's decision regarding the disposition of the grievance shall be the final decision. The County Manager would notify the Board of Commissioners of any impending legal action.

### **Section 5. Role of the Human Resources Director**

Throughout the grievance procedure, the roles of the Human Resources Director shall be as follows:

- a) To advise parties (including employee, supervisors, and County Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
- b) To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.
- c) To give notices to parties concerning timetables of the process, etc.;
- d) To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
- e) To help locate mediation or other resources as needed.

The Human Resources Director shall also determine whether or not additional time shall be allowed to either side in unusual circumstances if the parties cannot agree upon extensions when needed or indicated.



## **Section 6. Specific Grievance and Adverse Action Appeal Procedure for Discrimination and/or Harassment**

When an employee, former employee, or applicant believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, disability or any other class protected by applicable law), or otherwise believes he or she is subject to unlawful workplace harassment, he or she has the right to initiate a grievance pursuant to this Policy. In the event the supervisor or department head is the subject of the employee's complaint, the employee has the right to bypass discussions with the alleged perpetrator, and may appeal directly to the Human Resource Director and the County Manager. An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action, but may appeal for up to six months following the action.

## **ARTICLE XI. PERSONNEL RECORDS AND REPORTS**

### **Section 1. Public Information**

In compliance with GS 153A-98, the following information with respect to each County employee is a matter of public record: name; age; date of original employment or appointment to the County service; the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the county has the written contract or a record of the oral contract in its possession; current position; title; current salary; date and amount of each increase or decrease in salary with the County; date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the County; date and general description of the reasons for each promotion with the County; date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the County. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the County setting forth the specific acts or omissions that are the basis of the dismissal; the office to which the employee is currently assigned. For the purpose of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the County. Any person may have access to this information for the purposes of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the County may adopt.

### **Section 2. Access to Confidential Records**

All information contained in a County employee's personnel file, other than the information mentioned above is confidential and shall be open to inspection only in the following instances:

- a) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- b) A licensed physician designated in writing by the employee may examine the employee's medical record.
- c) A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- d) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- e) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the County Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability.

However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

- f) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- g) The County Manager may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a County employee, and the reasons for that action. Before releasing that information, the County Manager shall determine that the release is essential to maintaining the level and quality of County services. The written determination shall be retained in the County Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

### **Section 3. Personnel Actions**

The Human Resources Director, with the approval of the County Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. The official personnel files are those which are maintained by the Human Resources Office. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents.

### **Section 4. Records of Former Employees**

The provisions for access to records apply to former employees as they apply to present employees.

### **Section 5. Remedies of Employees Objecting to Material in File**

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of such material in accordance with established grievance procedures.

### **Section 6. Penalties for Permitting Access to Confidential Records**

Section 153A-98 of the General Statutes provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

## **Section 7. Examining and/or Copying Confidential Material without Authorization**

Section 153A-98 of the General Statutes of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

## **Section 8. Destruction of Records Regulated**

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS 121.5 (b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in Chapter 132.3 of the General Statutes.

## **ARTICLE XII. IMPLEMENTATION OF POLICIES**

### **Section 1. Conflicting Policies Repealed**

All policies, ordinances, or resolutions that conflict with the provisions of these policies are hereby repealed.

### **Section 2. Severability**

If any provision of these policies or any rule, regulation, or order thereunder of the application of such provision to any person or circumstances is held invalid, the remainder of these policies and the application of such remaining provisions of these policies of such rules, regulations, or orders to persons or circumstances other than those held invalid will not be affected thereby.

### **Section 3. Effective Date**

These policies shall become effective on a date as stated by the County Board of Commissioners.

### **Section 4. Amendments**

This Policy or sections hereof may be amended by action of the County and by resolution appropriately approved. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date stated by the Commission.