

**BERTIE COUNTY
PERSONNEL POLICY**

BE IT RESOLVED by the Board of County Commissioners for Bertie 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

The purpose of this policy and the rules and regulations set forth is 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, and Social Services Board. These aforementioned entities are the official appointing authorities covered by this personnel policy. State requirements will supersede these policies for positions subject to the State Personnel 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.

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, political affiliation, qualified disability, or age.

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 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;
- g) perform such other duties as may be assigned by the County Board of Commissioners not inconsistent with this Policy; and
- h) appoint an employee to the role of Human Resources Officer or serve in that role for the County.

Section 5. Responsibilities of the Human Resources Officer

The responsibilities of the Human Resources Officer 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.

In the event there is no Human Resources Officer, these duties will be assumed by the County Manager or his/her designee.

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 purposes 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 service in a permanent position.

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

- a) The Sheriff shall be the Hiring Authority for positions in the Sheriff's Office;
- b) The Register of Deeds shall be the Hiring Authority for positions in the Register of Deeds Office;
- c) The Board of Elections shall be the Hiring Authority for positions in the Elections Department; and
- d) The Social Services Director shall be the Hiring Authority for positions in the Social Services Department.
- e) In any case where the Hiring Authority has a conflict, the County Manager will be deemed as the Hiring Authority unless the conflict is with the County Manager, in which event the Board of Commissioners will be deemed the Hiring Authority.

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

Full-time employee. An employee who is in a position for which an average work week equals at least 37.5 hours, and continuous employment of at least 12 months, is required by the County. Such employees are eligible for benefits.

Part-time employee. An employee who is in a position for which an average work week of at least 20 hours and less than 37.5 hours and continuous employment of at least 12 months are required by the County. Such a position is eligible for pro-rated benefits

Permanent position. A position authorized for the budget year for a full twelve months and budgeted for twenty or more hours per week. All County positions are subject to budget review and approval each year by the Board of Commissioners and all employees' work and conduct must meet County standards. Therefore, reference to "permanent " positions or employment should not be construed as a contract or right to perpetual funding or employment.

Probationary employee. An employee appointed to a full or part-time regular position who has not yet successfully completed the designated probationary period. Persons in trainee appointments are a probationary employee for the full duration of their appointment in that status.

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

Temporary employee. An employee appointed to a position for which either the average work week required by the County over the course of a year is less than 20 hours (or 1000 hours per year), or continuous employment required by the County is less than 12 months. Such employees are not eligible for benefits.

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.

Work Against Appointment. In departments whose employees are subject to the State Personnel Act, the 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 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 without clear justification.

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 Department of Social Services will be classified by the NC Office of State Personnel in compliance with the rules and regulations under 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 Officer and each department head, 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 Officer 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 Officer shall also periodically review the entire classification plan and, when needed, recommend major changes to the County Manager. The Office of State Personnel shall administer the classification plan for employees who are subject to the State Personnel Act.

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 Officer. Copies will be available to all employees for review upon request.

Section 6. Request for Reclassification

Any employee 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 Officer through the chain of command. Upon receipt of such request, the Human Resources Officer shall study the request, determine the merit of the reclassification, and make the necessary recommendations to the County Manager for presentation to and approval by the County Commissioners in order to maintain a fair and accurate classification plan.

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.

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 Officer, 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, additional work-related certifications, 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, 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 Hiring Authority to make decisions concerning their qualifications for placement above the hiring rate.

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 Personnel Act job classes as a "work against." In such cases, a plan for training and meeting the minimum qualifications 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 Personnel Act may be assigned no more than two grades below as for trainee purposes.) The actual assignment should be reviewed and approved by the County Manager. 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 or promoted into the Hiring Rate of the pay range shall receive a salary increase within the salary range of approximately 5% upon successful completion of the probationary period. Department heads and law enforcement employees serving a twelve-month probationary period are eligible for consideration for this pay increase after nine months of successful employment. Employees hired or promoted above the hiring rate shall receive a 2.5% increase when removed from probationary status.

Section 6. 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 possible performance pay increases may be established in procedures approved by the County Manager.

Section 7. Performance Pay Bonus

If the County implements a performance pay system, employees who are at the maximum of the salary range for their position classification will be eligible to be considered for a performance (merit) bonus at their regular performance evaluation time. Performance (merit) bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and shall be the same percentage of annual salary as employees within the salary range with the same performance level. Performance (merit) bonuses do not become part of base pay and shall be awarded in a lump sum payment. Employees above the maximum of the range are not eligible for this increase.

Section 8. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications

(See Article IV 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 Hiring Rate of the new position, or to a salary which provides an increase of at least approximately 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. 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 approximately 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 approximately 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 9. 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 each salary grade increase, if such increases do not exceed the midpoint of the new range. 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 10. 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 11. Effective Date of Salary Changes

Salary changes approved after the first working day of a pay period shall become effective immediately. The employee's salary will be prorated for that pay period. All salary changes shall be evidenced in writing by submission of a Status Change Form to the Human Resources Officer.

Section 12. 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.

The County will comply with the Fair Labor Standards Act (FLSA). The County Manager 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 time or 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.

Earned compensatory time may be granted whenever feasible and determined by the County Manager, based on recommendations from the Department Head. Accumulation of more than eighty hours of compensatory time is discouraged and must have the approval of the County Manager. However, under FLSA provisions, non-exempt employees may accumulate up to 240 hours of compensatory time (sworn law enforcement officers may accumulate up to 480 hours). Nonexempt employees separating from employment shall be paid for their compensatory time balances.

In declared disaster or emergency situations such as a FEMA declared emergency where employees are 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 (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.

In declared disaster or emergency situations requiring long and continuous hours of work, exempt employees may be compensated at a rate of up to double time for the duration of the emergency period, at the approval of the County Manager.

Use of compensatory time: The use of accrued compensatory time by non-exempt or exempt employees cannot count as part of the 12 weeks of eligible Family and Medical Leave (FMLA).

Section 13. On-Call and Call-Back Compensation

The County provides continuous twenty-four hours a day, seven days a week service to its citizens. Any employee of the County, as a condition of employment, may be required 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 for emergency service, either special or routine, the employee may be subject to disciplinary action up to and including dismissal by the Hiring Authority.

On-call. On-call (standby) time consists of scheduled non-work hours in excess of the standard work period when an employee is required to be available to be called back to work on a regularly scheduled or emergency basis and must respond within a reasonable period of time and must be sober and able to work. On-call /standby 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. The County Manager will review and approve on-call schedules.

An employee is required by FLSA to be compensated regular pay for on-call time if he or she must remain near an established telephone or otherwise substantially restrict personal activities in order to be ready to respond when called. The County chooses to compensate employees at a rate less than regular pay for the inconvenience of on-call pay when, for example a pager or cell phone is used, and time is not substantially restricted. Non-exempt employees required to be on "stand-by" duty will be paid for five hours of work for each week (approximately 128 hours, excluding work time) of stand-by time they serve. Stand-by compensation for less than one full week shall be determined by the ratio of .04 hours of pay per one hour of stand-by time. Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week

Call-back. Call-back time consists of actual time spent when called back to work to handle an emergency situation. Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours when not on stand-by. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance).

Section 14. Payroll Schedule and Deductions

The payroll schedule shall be established by the County Manager and shall be administered by the Finance Department. 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 15. 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 16. Longevity Pay

Full and part-time employees of the County are compensated for continuous years of service with the County by payment of a longevity supplement based on continuous years of service as of November 30 of each year. Longevity payments will be made in December of each year. Continuous service is continuous employment including any approved leave or involuntary reduction in force.

Longevity amounts shall be as follows:

<u>Years of Service</u>	<u>Amount</u>
0 - 5 years	\$ 200
5 - 10 years	\$ 400
10 - 15 years	\$ 600
15 - 20 years	\$ 800
20 - 25 years	\$1,000
25 - 30 years	\$1,200
30 - 35 years	\$1,400
35 - 40 years	\$1,600
40 - 45 years	\$1,800
45 - 50 years	\$2,000

Longevity pay will be issued in December or as designated by the County Manager.

Section 17. 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 entry level (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.

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 “acting” role upon completion of the assignment.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

The policy of the County is 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, or age. 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, or age. Notices with regard to equal employment matters shall 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 Officer 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. The North Carolina Employment Security Commission shall normally be used as a recruitment source. 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.

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. Applications will only be accepted for positions for which the County is currently recruiting and may only be accepted in the Human Resources Office.

Application Reserve File. Applications shall be kept in an inactive reserve file for a period of two years, in accordance with Equal Employment Opportunity Commission guidelines.

Selection. Department heads, with the assistance of the Human Resources Officer, 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.

Appointment. Before any commitment is made to an applicant either internal or external, the Hiring Authority shall make recommendations to the Human Resources Officer including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Human Resources Officer and Department Head shall recommend approval of appointments and the starting salary for all applicants to the 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 County Manager's office prior to the beginning date of employment. The documents will become part of the new employees 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. Probationary periods may be extended for three months with the possibility of one more three month extension for a maximum of six months. Therefore, the maximum probationary period for law enforcement officers and department heads is eighteen months and for other County employees is fifteen months.

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. A promoted employee who does not successfully complete the probationary period 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 employees shall retain all other rights and benefits such as the right to use of the grievance procedures.

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. The County's policy is 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 six month probationary period.

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
- f) Be a candidate for nomination or election to the office of Bertie County Commissioner. Employees may be a candidate for any other office. Employees who wish to run for County Commissioner must first resign.

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. No employee shall accept any cash gift 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, nor 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. The County Manager may choose to delegate such approval authority to department heads. Documentation of the approval of outside employment will be placed in the employee's personnel file.

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

A full or part-time employee of the County may simultaneously hold another position with the County if the temporary position is in a different department or agency and substantially different capacity and occupational area from that of the full or part-time position. The work must also be performed on an occasional or sporadic basis. Any other situation requires weighted average pay scales and/or overtime pay. However, the work of the full or part-time position shall take precedence over the temporary position.

Section 6. Employment of Relatives

The County prohibits the hiring and employment of immediate family in permanent positions within the same work unit. For purposes of this section, immediate family is defined as spouse, parent, guardian, child, grandparent and grandchildren. 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.

This section also prohibits the County Manager, Sheriff, Register of Deeds, Social Services Director, Elections Director and any other Department Head from employing immediate family members in the departments that they supervise.

Section 7. Harassment

Harassment on the basis of race, color, religion, gender, national origin, age or disability 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 Officer, or any department head who will advise the Human Resources Officer of the complaint. The Human Resources Officer 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.

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. 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 County Manager. No employee shall purchase for personal use any equipment or supplies through County purchase accounts.

The County shall develop and distribute to employees a separate policy covering the use of phones, email, computers, and county cell phones.

Under North Carolina law, email sent or received by the County is considered a public records and is subject to inspection upon request.

Surrender of Property. An employee who terminates employment shall be required to return all items of equipment, including uniforms, owned by the County.

Section 9. Performance Evaluation

Supervisors and/or Department Heads shall conduct Performance Evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program shall be published by the County Manager.

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.

Section 12. Substance Abuse

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.

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 is 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.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All part-time and 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 the County's discretion. Temporary 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 and part-time employees.

Employees who are scheduled to work 20 hours or more per week on a continuous year-round basis may, if they so desire, purchase available group health through the County for themselves or for themselves and qualified dependents. A prorated amount of the cost of coverage paid for a full-time employee shall be paid by the County with the remainder of the cost being paid by the employee. This prorated amount shall be based on regularly scheduled hours.

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 Officer.

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.

Section 5. Retirement

Each employee in a permanent position 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.

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.

Retiree Health Insurance

The County provides health insurance for retirees according to the following guidelines:

- a) The County will pay 50% of the cost of the premiums for an employee who is at least 55 years of age retiring with 15 years of continuous service with Bertie County;
- b) The County will pay 100% of the cost of the premiums for an employee retiring with 20 years of continuous service with Bertie County;
- c) The County will pay 100% of the cost of the premiums for an employee retiring with 25 years of non-continuous service with Bertie County;

Coverage will continue until the employee becomes eligible for Medicare, at which time the County will convert coverage to a Medicare Supplement policy. The cost for the employee's share of the premiums, if any, will be determined on an annual basis. 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 health insurance provision of this article shall apply to County Commissioners.

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 and part-time 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 use sick leave and/or vacation during the waiting period before Workers' compensation benefits begin. 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 and the supervisor and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The Human Resources Officer or designee 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 Human Resources Office prior to course registration and are subject to the review and approval of Department Head and County Manager, subject to availability of funds.

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 Personnel Act and their family members for various loan services, checking, and savings accounts.

Section 12. Law Enforcement Separation Allowance

Every sworn law enforcement officer, as defined by N.C. Gen. Stat. § 128-21(11b) or N.C. Gen. Stat. § 143-166.50, shall be eligible for a separation allowance, as provided by N.C. Gen. Stat. § 143-166.42, in the amount specified in N.C. Gen. Stat. § 143-166.41(a). The purpose of this allowance is to provide additional income until the law enforcement officer is eligible for social security benefits with the consideration that the law enforcement officer may no longer be able to perform law enforcement work. Given this purpose, eligibility and continuation of these benefits are subject to the following conditions:

- a. The officer shall have completed 30 or more year of creditable service, or have attained 55 years of age and completed five or more years of creditable service; and
- b. Not have attained 62 years of age;
- c. Have completed at least five years of continuous service as a law enforcement officer immediately preceding a service retirement, as defined by N.C.

Gen. Stat. §§ 143-166.41(a)(3) and 143-166.41(b); and

d. The law enforcement officer, after separation from employment with the County, notifies the County of any new employment involving state, local or federal law enforcement duties. Such notification shall, include the nature and extent of the employment, any change of employment status, and any discontinuation of employment, within five (5) days of the new employment, change or discontinuation.

Such allowance shall terminate at death, or on the last day of the month prior to which the officer attains 62 years of age, or upon the first day of re-employment by any federal, State or local law enforcement department, agency or institution, whether in North Carolina or elsewhere in a job scheduled for 1000 or more hours per year.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the County is to provide vacation leave, sick leave, and holiday leave to all full-time and part-time employees in a regular position with County and to provide proportionally equivalent amounts to employees having average work weeks of different lengths. Leave balances should accrue with each payroll at a pro-rated amount when employees work or are on a paid leave status. Leave balances should be printed on payroll checks or provided to employees with each paycheck, including net accrued sick leave, vacation, 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.

The number of holiday hours earned by employees shall be determined in accordance with the formula set forth in Section 15 of this article.

Departments which have staff working during holidays may designate which days of the week are to be observed using the actual legal holidays when appropriate.

Section 3. Holidays: Effect on Other Types of Leave

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

Section 4. Holidays: Compensation When Work is Required/Shift Work

Employees required to perform work on regularly scheduled holidays shall be receive the proportionally equivalent amount off for the holiday or receive pay in lieu of time off as described in Section 15 of this Article.

If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive pay for the proportionately equivalent holiday leave hours. Departments with employees working a shift schedule may elect to compensate those employees for working on the "true" holiday rather than the designated holiday.

Section 5. Vacation Leave

Vacation leave may be used for rest and relaxation, school appointments, medical appointments, and other personal needs. Employees must request vacation leave from their supervisor in advance. Vacation 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 vacation requests when they create a hardship for the County.

Section 6. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment may accumulate vacation

leave but shall not be permitted to take vacation leave during the first three months of employment, unless approved as a condition of initial employment.

Section 7. Vacation Leave: Accrual Rate

Each full and part-time employee of the County shall earn vacation at the following schedule, prorated by the regular number of hours in the workweek at described in Section 15 of this article:

Years of Service	Days Accrued Per
0 - 2	8
2 - 5	10
5 - 9	15
9 - 15	17
15 - 25	22
25 plus	25

Vacation should be accrued in each payroll period.

Section 8. Vacation Leave: Maximum Accumulation

Vacation 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 removed so that only 30 days are carried forward to January 1 of the next calendar year. Employees may have the entire excess amount converted to sick leave provided that the employee has taken a minimum of three consecutive days of vacation during the calendar year.

Because the number of hours in employee work weeks vary, the number of hours in 30 days varies. See Section 15 of this Article for formula to calculate the number of hours in 30 days.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation 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 vacation leave scheduled or in receiving any exception to the maximum accumulation. Employees may not receive pay for excess vacation time.

Section 9. Vacation Leave: Manner of Taking

Employees shall be granted the use of earned vacation 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 vacation leave does not hinder the effectiveness of service delivery. Vacation leave will be taken in quarter hour units.

Section 10. Vacation Leave: Payment upon Separation

An employee who has successfully completed the 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. 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.

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

Section 11. Vacation 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 vacation leave credited to the employee's account not to exceed the 30 day maximum.

Section 12. 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 an employee 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 caregiver is sick.

Sick leave may also be used for death in the employee's immediate family, but may not exceed three days for any one occurrence.

Sick leave may also be used to supplement Workers' Compensation Disability Leave during the waiting period before Workers' Compensation benefits begin.

"Immediate family" shall be defined as 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.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or not later than two hours after the beginning of the scheduled workday. Failure to do so appropriately may result in disciplinary action.

In order to facilitate the recruitment of qualified persons with appropriate public sector experience, the County Manager may authorize the carry-over of all or a portion 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 13. 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. Sick leave for full-time and part-time employees working other than the basic work schedule shall be prorated as described in this Article. 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 or terminated due to reduction in force.

Section 14. 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 or whenever the supervisor observes a "pattern of absenteeism." 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 15. Leave Pro-Rated

Holiday, annual, and sick leave earned by full-time and part-time employees with fewer hours than the basic work week shall be determined by the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (usually 40 hours).
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.
- 3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned.

Section 16. Leave Without Pay

A full or part-time employee may be granted a leave of absence without pay for a period of up to six months by the County Manager. The leave shall be used for reasons of personal disability after both sick leave and desired amount of annual leave have been exhausted, 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. The employee is obligated to return to duty within or at the end of the time determined appropriate by the County Manager. Upon returning to duty after being on leave without pay, 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. 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 has been requested, shall be considered a resignation.

Section 17. Family Medical Leave

The County will grant up to 12 weeks of family and medical leave during any 12-month period beginning on the date leave is first used to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). Eligible employees must have regular status and must have been employed at least twelve months and worked at least 1,250 hours during the previous twelve months. The leave may be paid (coordinated with the County's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Earned compensatory time may also be used during FMLA leave. Additional time away from the job beyond the 12-week period may be considered in accordance with the County's Leave Without Pay policy. Employees may be required to exhaust eligible paid leave before going on a leave without pay status.

FMLA leave may be taken for the following reasons:

- (a) to care for the employee's child after birth or placement for adoption or foster care;
- (b) to care for the employee's spouse, child or parent who has a serious health condition;
- (c) for a serious health condition that makes the employee unable to perform the employee's job;
- (d) military exigency; or
- (e) military caregiver.

A serious health condition is defined as a 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. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which results in a period of incapacity for more than three days would be considered a serious health condition.

If a husband and wife both work for the County and each wishes 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 husband and wife 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 may then use paid vacation for the remainder of the 12-week period.

The request for the use of leave must be made in writing by the employee and approved by the department head or County Manager. The County may also designate qualified leave as FMLA Leave by notifying the employee of such action.

An employee who takes leave under this policy will 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.

“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:

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

Military Caregiver Leave: 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 18. 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 22 days from the date of the employee's request). The certification and request must be made to the department head and filed with the Human Resources Officer.

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 in writing under the County's Leave Without Pay policy

Section 19. 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. 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.

An employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn leave credits on the date leave without pay begins. 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 and the regulations of the insurance carrier. The County will continue to pay for health and other insurances for which the County normally pays during the first three months of workers' compensation leave.

Section 20. Workers' Compensation Leave

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, vacation, or compensatory time during the first waiting period. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the County's group insurance plans and the County will continue regular health and other insurance coverage (those for which the County normally pays) for the first three months of workers' compensation leave. 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.

- a) 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 Officer within twenty-four (24) hours of the time of the accident. The employee must use sick leave or annual leave for the first seven (7) days of disability. These days will be reimbursed only if the disability continued for more than twenty-one (21) days.
- b) Before returning to work, a statement from the attending physician should be submitted to the Human Resources Officer giving permission for the employee to resume regular duties.
- c) Upon return to work, 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. While receiving workers' compensation benefits, an employee will retain all accumulated sick and annual leave.
- d) An employee on Workers Compensation leave shall simultaneously be assessed FMLA leave.

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 21. Military Leave

The County will comply with the provisions of USSERA and other required laws and regulations. Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted ten workdays per year for military leave without pay. On rare occasions due to

annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a County employee, the employee shall 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 such duty is required beyond this ten workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply.

Employees who volunteer for additional duty may use vacation, compensatory time or leave without pay. If there is a compensatory balance, it should be used first for nonexempt employees.

Section 22. Reinstatement Following Military Service.

The County will fully comply with the provisions of USSERA and other required laws and regulations. While taking military leave without pay or with partial pay, the employee's leave credits and other benefits, excluding health insurance if provided by the military, shall continue to accrue as if the employee physically remained with the County during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act, including members of the National Guard or a reserve unit. 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.

Employees called to active duty must provide a copy of the orders to the Human Resources Officer.

Section 23. Civil Leave

A County employee called for jury duty 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.

Section 24. 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 (vacation 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.

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. 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 and approval by the County Manager.

Three consecutive days of absence without contacting the immediate supervisor or Department Head is 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 or comparable documentation. Vacation leave will only be approved during the final two weeks of a notice with approval from the department head and County Manager.

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 required duties because of a physical or mental impairment 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 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 one year of the date of separation, upon recommendation of the department head and approval of 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 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. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

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 County Manager or hiring authority prior to giving final notice to the employee.

Section 2. Unsatisfactory Job Performance 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 or department head. 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) Physical or mental incapacity to perform duties;
- 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; or
- i) Failure to meet work standards over a period of time.

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 in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions should be noted in the employee's file by the supervisor or department head. An employee whose job performance is unsatisfactory over a period of time should normally receive at least two warnings from the supervisor or department head before disciplinary action resulting in dismissal is taken by the County Manager or Hiring Authority. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following disciplinary steps:

- a) A final written warning from the supervisor or department head serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
- b) If performance does not improve, a written recommendation should be sent to the Department Head, Human Resources Officer, and County Manager or Hiring Authority for disciplinary action such as suspension, demotion, or dismissal.

Suspensions should not normally exceed three days for nonexempt employees. For exempt employees, suspensions should normally be for one week to retain the exempt status of the employee.

Section 4. Disciplinary Action for Detrimental Personal Conduct

With the approval of the Department Head, Human Resource Director, and County Manager 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.

Disciplinary suspension should not normally exceed three days for nonexempt employees and should be one full week for exempt employees as prescribed by the FLSA.

Section 5. Detrimental Personal Conduct Defined

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

- a) Fraud or theft;
- b) Commission of a felony or the entry of a plea of nolo contendere thereto;
- c) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- d) Willful misuse or gross negligence in the handling of County funds;
- e) Willful or wanton damage or destruction to property;
- f) Willful or wanton acts that endanger the lives and property of others;
- g) Possession of unauthorized firearms or other lethal weapons on the job;
- h) Brutality in the performance of duties;
- i) 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;

- j) Engaging in incompatible employment or servicing a conflicting interest;
- k) Request or acceptance of gifts in exchange for favors or influence;
- l) Engaging in political activity prohibited by this policy; or
- m) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations.

Section 6. Pre-Dismissal Conference.

Before dismissal action is taken, whether for detrimental personal conduct or unsatisfactory job performance, the County Manager or Hiring authority, or a Department Head, with the assistance of the Human Resources Officer, will conduct a pre-dismissal conference. At this conference, the employee may present any response to the proposed dismissal to the County Manager or Hiring Authority, or Department Head. The County Manager or Hiring Authority, or Department Head will consider the employee's response, if any, to the proposed dismissal, and will, within three working days following the pre-dismissal 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 7. Non-Disciplinary Suspension

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the supervisor, be in the best interest of the County, the Department Head, with the review of the Human Resources Officer and approval of the County Manager or Hiring Authority, may suspend the employee for the duration of the proceedings as a non-disciplinary action. 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, or
- 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.

If the employee is reinstated following the suspension such employee shall not lose any benefits to which otherwise employee would have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of suspension; provided, however, all other benefits with the exception of accrued annual leave and sick leave shall be maintained during the period of suspension.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

The policy of the County is 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.

Section 2. Grievance Defined

A grievance is a claim or complaint by an employee based upon an event or condition, which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. Former employees may appeal their termination from County employment within required time frames.

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 or group of employees 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, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. 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 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. Mediation may be used at any step in the process and is encouraged. Mediation is the neutral facilitation of the conflict between or among parties where the facilitator helps the parties find a mutually agreeable outcome.

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. 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 Officer.

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 or Hiring Authority within five work days after receipt of the response from Step 2. The 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 Hiring Authority's decision is final. However, the County Manager should inform the County Board of Commissioners of any possible legal actions. Any appeal of this decision must be made through the North Carolina Court System.

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 only in the Social Services Departments) 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. Discrimination cases may be appealed directly to the OAH.

Department Heads. In the case of department heads or other employees where the 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 Hiring Authority (see definition of mediation in informal resolution above); or
- b) consider the appeal and make recommendations back to the 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 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 Officer

Throughout the grievance procedure, the roles of the Human Resources Officer 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 assist employees and supervisors in drafting statements; and
- e) To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
- f) To help locate mediation or other resources as needed.

The Human Resources Officer 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. Grievance and Adverse Action Appeal Procedure for Discrimination

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, or disability) he or she has the right to appeal such action using the grievance procedure outlined in this policy. While such persons are encouraged to use the grievance procedure, they shall have the right to appeal directly to the Human Resources Officer 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.

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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 service; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. Any person may have access to this information for the purpose 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, with the concurrence of the County Board, 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.

The County Board shall establish procedures for all personnel files containing information other than the public information mentioned above whereby an employee who objects to material may seek to have the material removed from the file or may place in the file a statement relating to the material.

Section 3. Personnel Actions

The Human Resources Officer, 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. Any documents not contained in these files or maintained as designated by the Human Resources Officer are not an official part of the personnel file.

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. Separability

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 approved by the County Board of Commissioners.

Section 4. Amendments

This policy may be amended by action of the Board of Commissioners and by resolution appropriately approved. Notice of any suggested amendment to the policy, or any portion thereof, shall be provided to employees and opportunities for employee comment and reaction shall be made available prior to the amendments going to the Commissioners for action. Proposed amendments should be posted on bulletin boards in all employee work locations and/or in employee newsletters. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.