



Pamlico County

INDEX TO POLICIES AND PROCEDURES

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ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM

Section 1. Purpose

The purpose of this policy is to establish a system that will recruit, select, develop and maintain an effective and responsible work force. This policy is established under the authority of Chapter 153A, Article 5 and, for only those employees subject to the State Personnel Act, Chapter 126 of the General Statutes of North Carolina.

This Pamlico County Personnel Policies Manual contains standards relevant to employment with Pamlico County (hereinafter referred to as the "County"). Employees are required to read and become familiar with and adhere to the contents of this Personnel Policies Manual (hereinafter referred to as the "Manual"). The County expects all employees to be consistently informed and compliant with current County policies and procedures. An employee's failure to be knowledgeable of and compliant with County policies and procedures may lead to disciplinary action, up to and including termination. Accordingly, employees should refer to this Manual as frequently as needed to remain compliant with the content as stated. An employee's need for further clarification or information about these standards should be addressed by consulting with the employee's supervisor or Personnel Officer.

THE POLICIES AND PROCEDURES IN THIS MANUAL ARE DESIGNED TO SERVE AS GUIDELINES FOR MANAGEMENT ACTION. THEY ARE NOT INTENDED TO CREATE ANY CONTRACT OR BINDING AGREEMENT BETWEEN THE COUNTY AND ANY EMPLOYEE. ALL POLICIES AND PROCEDURES OUTLINED IN THIS MANUAL ARE SUBJECT TO CHANGE OR MODIFICATION AT THE COUNTY'S DISCRETION AT ANY TIME THAT PARTICULAR CIRCUMSTANCES WARRANT.

THIS MANUAL IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. NO PROVISION OR PORTION OF THE MANUAL CONSTITUTES AN IMPLIED OR EXPRESSED CONTRACT, GUARANTEE, OR ASSURANCE OF EMPLOYMENT OR ANY RIGHT TO AN EMPLOYMENT-RELATED BENEFIT OR PROCEDURE. THE COUNTY RESERVES THE RIGHT TO CHANGE, MODIFY, ELIMINATE, OR DEVIATE FROM ANY POLICY OR PROCEDURE IN THIS MANUAL AT ANY TIME AND TO HIRE, TRANSFER, PROMOTE, DISCIPLINE, TERMINATE, AND OTHERWISE MANAGE ITS EMPLOYEES AS IT DEEMS APPROPRIATE.

NO POLICY OR PROVISION IN THIS MANUAL IS INTENDED TO CREATE A CONTRACT BINDING THE EMPLOYEE OR THE COUNTY TO AN AGREEMENT OF EMPLOYMENT FOR A SPECIFIC PERIOD OF TIME. A GENERAL COUNTY WORKER'S EMPLOYMENT CAN BE TERMINATED BY EITHER THE EMPLOYEE OR THE COUNTY AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT NOTICE. NO REPRESENTATIVE OR AGENT OF THE COUNTY, OTHER THAN THE COUNTY MANAGER, CAN AUTHORIZE OR SIGN AN EMPLOYMENT AGREEMENT CONTRARY TO THE ABOVE TERMS OR OTHERWISE MAKE ANY BINDING OFFER OF EMPLOYMENT FOR A SPECIFIC TERM.

IF YOU HAVE QUESTIONS CONCERNING THESE GUIDELINES, PLEASE CONSULT WITH YOUR SUPERVISOR OR THE PERSONNEL OFFICER.

Section 2. Introduction

Pamlico County, North Carolina was formed from part of Craven County, North Carolina in 1872, and from parts of Beaufort County, North Carolina in 1874 and 1875. The first permanent European settlers arrived in the early 1700's, finding the area inhabited by the Pampticoe Indians. These same Indians were called Pamlico "Tatakua" which means, "where land and sea meet the sky." Pamlico County employees are vital members of a dedicated group making a contribution to the present as well as the future of the County.

The governing body for Pamlico County is the Board of County Commissioners (hereinafter referred to as "Board of Commissioners"), which is composed of seven elected members. The Board of Commissioners holds regularly scheduled meetings which are open to the public.

Section 3. Coverage

(a) All employees in the County's service shall be subject to this policy, except as provided in this section.

(b) The following officials and employees are exempt:

- (1) Elected Officials;
- (2) Members of Advisory Boards and Special Boards and Commissions including the Board of Education, unless specifically designated;
- (3) County Attorney;
- (4) County Manager.

(c) The following employees shall be covered only by the specifically designated Articles and Sections:

- (1) Employees governed by the State Personnel Act shall be subject to all Articles except Article II and pertinent portions of Articles VII and VIII;
- (2) Employees of the North Carolina Cooperative Extension Service shall be subject to all Articles except Articles II, III, IV and IX; and
- (3) The Director of Elections shall be subject to all Articles except Articles IV, VII, and VIII.

Other exclusions shall apply where specifically indicated herein.

Section 4. Definitions

(a) **Adverse Action.** A demotion, suspension, dismissal, reduction in pay, involuntary transfer, or layoff.

(b) **Allocation.** The assignment of an individual position to an appropriate salary range.

(c) **Appointing Authority.** Any board or position with legal or delegated authority to make hiring decisions.

(d) **Career State Employee.** An employee subject to the State Personnel Act who is in a permanent position appointment and has been continuously employed in a position subject to the State Personnel Act for the preceding 24 months. Positions subject to the SPA include area mental health, developmental disabilities, and substance abuse authorities; the County Social Services Department; the County Health Department; local emergency management agencies that received federal grant-in-aid funds; and other employees as may be designated by the County Board of Commissioners

(e) **Class.** A position or group of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed, and which carry the same salary range.

(f) **Classification Plan.** A formal plan of structuring and ranking groups of classifications.

(g) **Competitive Service Employee.** (Local Government Employee Subject to State Personnel Act) An Employee of the Department of Social Services, Department of Public Health, or Office of Emergency Management receiving federal grant-in-aid funds and subject to the State Personnel Act.

(h) **Demotion.** The reassignment of an employee to a position or classification having a lower salary range than the position from which the reassignment is made.

(i) **Emergency Position.** A temporary position in which the duties and responsibilities are required to be attended for a period of time not to exceed 30 calendar days. Such employee is not subject to participation in benefit programs.

(j) **Full-time Employee.**

(1) Regular - An employee who is regularly scheduled to work forty (40) hours per work week and is designated by the Board of Commissioners as a regular full-time appointment to a regular, established position.

(2) Temporary - An employee who is regularly scheduled to work forty (40) hours per work week and is designated by the Board of Commissioners as temporary full-time appointment to a temporarily established position.

(k) **General County Employee.** A County employee assigned to a County department not subject to the State Personnel Act.

(l) **Grievance.** A claim or complaint based upon an event or condition that affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance may involve alleged safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas, or any other alleged inequity relating to conditions of employment. For grievances arising from alleged discrimination, denial of equal employment opportunity, or grievances arising from any disciplinary action taken against an employee which is perceived to be unfair, an employee

should utilize the Formal County Grievance Procedure in Article VIII, Section 8 herein. A grievance does not include being turned down for promotion or transfer unless discrimination is alleged to have caused said action.

(m) **Hiring Rate.** The salary paid an employee when hired into County service.

(n) **Longevity Plan.** A plan intended to reward employees for faithful continuous service to the County, based solely on longevity.

(o) **Maximum Salary Rate.** The maximum salary authorized for an employee within an assigned salary grade.

(p) **Merit Increase.** An increase in salary within the same salary grade, based on meritorious service and on performance of duties above the standard for the assigned position.

(q) **Merit Principle.** A systematic and uniform method of personnel administration designed to provide objective recruiting, employment, retention and promotion of those persons best qualified for employment.

(r) **Part-time Employee.**

(1) Regular Part-time Employee - An employee who is regularly scheduled to work less than the normal 40 hours per week, and is designated by the Board of Commissioners as a regular part-time appointee to a non-temporary position.

(2) Temporary Part-time Employee - An employee who is regularly scheduled to work less than the normal 40 hours per week, and is designated by the Board of Commissioners as a temporary part-time appointee to a temporarily established position.

(s) **Pay Plan.** A schedule of pay ranges systematized into sequential grades including minimum, mid, and maximum salaries for each class assigned to any given range.

(t) **Performance Evaluation System.** An annual review of an employee's performance, designed to encourage and document communication regarding job performance and goals and, when applicable, to recognize performance as the basis for fair and equitable employment decisions such as potential merit pay.

(u) **Permanent Appointment.** Only employees subject to the State Personnel Act may obtain permanent status. An employee in a permanently established position is expected to be retained on a permanent basis. Permanent appointments follow the satisfactory completion of a probationary and/or training appointment, or may be made upon the reinstatement of a qualified employee.

(v) **Position.** A group of current duties and responsibilities assigned by competent authority, requiring the full or part-time employment of one person. A position, even though unoccupied by an employee, may still exist.

(w) **Position Classification Plan.** A plan approved by the Board of Commissioners that assigns classes (positions) to the appropriate pay grade.

(x) **Probationary Employee.** A person appointed to a regular position subject to the State Personnel Act who has not completed the probationary period.

(y) **Probationary Period.** The initial required period of time an employee subject to the State Personnel Act serves when entering County service before obtaining permanent employment status. A Probationary Period may be required when an employee receives an initial appointment to a permanent position, or is rehired after leaving employment, or when an employee voluntarily accepts a promotion, transfer, or demotion in another program.

(z) **Promotion.** The reassignment of a County employee to an existing County position or classification having a higher salary range.

(aa) **Provisional Employee.** A General County employee who has not completed the provisional period required before regular appointment to a position not subject to the State Personnel Act.

(bb) **Provisional Period.** The initial required period of time, usually six months, which a General County employee serves when entering County service before obtaining regular employment status, during which he or she may receive additional assistance, information, and input regarding his or her job performance.

(cc) **Range Revision.** When one or more salary grades are assigned different minimum and/or maximum salary ranges; or when a classification is assigned a new pay grade.

(dd) **Reclassification.** The reassignment of an existing position from one class to another based on changes such as duties, difficulty, required skill, and responsibility of the work performed.

(ee) **Regular Employee.** An employee who has satisfactorily completed the applicable provisional or probationary period of County service and has been approved for regular status by his/her Department Head and County Manager.

(ff) **Regular Position.** A position which has been approved by the Board of Commissioners, in which the duties and responsibilities are required to be fulfilled on a continuous and recurring basis, normally requiring full-time employment of an individual.

(gg) **Salary Grade.** All positions which are sufficiently comparable to warrant one range of pay rates.

(hh) **Salary Plan.** A schedule of pay ranges including minimum, intermediate, and maximum salaries for each class assigned to any given salary range.

(ii) **Salary Range.** The minimum and maximum salary for a given classification.

(jj) **Salary Schedule.** A listing by grade of all the approved minimum to maximum salary ranges.

(kk) **Temporary Employee.** A person appointed to serve in a position for a period of time typically not to exceed 12 months, usually for a specific project or assignment. A temporary employee is not subject to participation in benefit programs.

(ll) **Temporary Position.** A position in which the duties and responsibilities are required to be attended for a specific short period of time, normally not to exceed 12 months, or for a specific project or assignment. A temporary position may be full-time or part-time.

(mm) **Trainee.** An employee appointed to a position in any class for which the County Manager or the Office of State Personnel has authorized "trainee" appointment. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for the regular class. A trainee must be paid at a rate of \$1 below the minimum yearly salary of the regular class.

(nn) **Transfer.** The reassignment of an employee from one position or department within the County to another.

(oo) **Work Against Appointment.** When qualified applicants who meet education and experience requirements are unavailable, and there is no trainee provision for the classification of the vacancy, the appointing authority may appoint an employee to a position below the level of the position for which the applicant applied in a work-against appointment situation. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for the desired position through on-the-job experience. The appointee must meet the minimum education and experience standard of the class to which initially appointed.

Section 5. Merit Principle

All appointments and promotions shall be made solely on the basis of merit and qualification. All positions requiring performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for County employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's race, color, religion, sex, national origin, political affiliation, marital status, national origin, citizenship status, disability, or veteran status, age, non-disqualifying handicap, or other legally protected status.

Section 6. Responsibility of Board of Commissioners

The Board of Commissioners shall adopt or provide for rules and regulations or administrative policies relating to personnel policies and other measures which promote the hiring and retention of capable, diligent, and honest employees under the authority of Chapter 153A-94 of the North Carolina General Statutes, and shall confirm appointments when so specified by law. The Board of Commissioners shall also establish the Classification and Pay Plans. The Board of Commissioners shall prescribe the office hours, workdays, and holidays to

be observed by the various offices, departments, boards, commissions and agencies of the County.

Section 7. Responsibility of County Manager

The County Manager shall be responsible to the Board of Commissioners for the administration of the County Personnel program, including these Personnel Policies. The County Manager shall appoint, suspend, and dismiss County officers and employees, except those who are elected by the people or whose appointment is otherwise provided for by law or those specifically exempt. The County Manager shall be responsible for these and other duties in accordance with Section 153A-82 of the General Statutes of the State of North Carolina and all other applicable state and federal law, and Articles IV, V, VII and VIII and other relevant portions of this Personnel Policy.

Section 8. Responsibility of Personnel Officer

The County Manager may appoint a Personnel Officer who shall assist in the preparation and maintenance of the Position Classification Plan and the Pay Plan, and perform such other duties in connection with the County personnel program as the County Manager may require. If the County Manager does not appoint a Personnel Officer, all of the following duties and responsibilities shall be performed by the County Manager or such employee who is under his or her direction and supervision. The duties and responsibilities of the Personnel Officer shall include, but not be limited to, the following:

- (a) Apply, interpret, and carry out these Personnel Policies and the policies adopted hereunder, as directed by the County Manager;
- (b) Establish and maintain records relating to all persons in County employment or service;
- (c) Develop and administer recruiting programs to attract a supply of competent applicants to meet the needs of the County;
- (d) Encourage and exercise leadership in development of an effective personnel administration within various County departments;
- (e) Investigate, when necessary and appropriate, the time, operation and effect of these Personnel Policies and the policies made hereunder;
- (f) Make recommendations, as appropriate, to the County Manager or the Board of Commissioners regarding County personnel functions; and
- (g) Issue and publish, as necessary, administrative directives, supplements, interpretations, policy statements, forms, reports, and other personnel materials necessary for the proper functioning and maintenance of procedures under these Personnel Policies.

Section 9. Responsibility of Department Heads

The head of each County department shall be responsible to the County Manager for recommendations for the appointment, suspension, and removal of County officers or employees assigned to their departments. The head of each County Department shall be responsible to the County Manager for ensuring that all employees are thoroughly familiar with the provisions of these policies.

ARTICLE II. THE POSITION CLASSIFICATION PLAN

Section 1. Adoption

The Position Classification Plan, as is from time to time approved by the Board of County Commissioners, is hereby adopted for the County.

Section 2. Administration of the Position Classification Plan

The Personnel Officer shall be responsible for the administration and maintenance of the Position Classification Plan so that it will accurately reflect the duties performed by employees in the classes to which the employees are assigned. Department Heads shall be responsible for bringing to the attention of the Personnel Officer (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, or working conditions affecting the classification of the existing positions.

New positions may be established upon recommendation of the County Manager subject to the approval of the Board of Commissioners. The County Manager may (1) allocate the new position to the appropriate class within the existing Classification Plan or (2) recommend that the Board of Commissioners amend the Position Classification Plan to establish a new class to which the new position may be assigned.

When the County Manager or Personnel Officer finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the County Manager will recommend to the Board of Commissioners that (1) the existing class specification be revised, (2) that the position be reallocated to the appropriate class within the existing position Classification Plan, or (3) that the Board of Commissioners amend the Position Classification Plan to establish a new class to which the position may be allocated.

Section 3. Amendment of the Position Classification Plan

The Position Classification Plan may only be amended by the Board of Commissioners.

ARTICLE III. THE PAY PLAN

Section 1. Adoption

An annual salary schedule, reflecting grade level as approved by the Board of Commissioners, is hereby adopted as the Pay Plan for the County.

Section 2. Maintenance of the Pay Plan

The County Manager or the Personnel Officer shall be responsible for the administration and maintenance of the Pay Plan. The Pay Plan is intended to provide equitable compensation for all positions when considered in relation to each other, general rates of pay for comparable employment positions in the private and public sector in the area, changes in the cost of living, the financial condition of the County, and to other factors deemed relevant by the County Manager. To ensure equitable compensation, the County Manager or Personnel Officer shall, from time to time, make comparative studies of all factors affecting the level of salary ranges and shall recommend to the Board of Commissioners such changes in salary ranges as are warranted.

Section 3. Administration of the Pay Plan

The Pay Plan is intended to be administered in a fair and systematic manner in accordance with work performed by County employees. It is intended that, to the extent possible, the pay structure shall be externally competitive, shall maintain proper internal relationships among all positions based on relative duties and responsibilities, and shall recognize performance as the basis for pay increases within the established pay range. The Pay Plan shall meet the requirements of the Personnel Manual for Local Government Employees subject to the State Personnel Act.

Section 4. Implementation of Pay Plan

The performance evaluation system shall be designed to facilitate fair and equitable merit pay decisions based upon the needs of both management and the employee. Salary ranges are intended to permit, to the extent possible, the recognition of individual performance. The following provisions shall govern the granting of pay increments within specific salary ranges:

- (a) **Hiring Rate/Starting Salary**
Employees will be hired at the hiring rate of their assigned Salary Grade. Appointments up to \$2500 above the hire rate of this Salary Grade may be made subject to the approval of the County Manager, when deemed necessary to serve the best interests of the County, based on such factors as superior qualifications of the applicant, a shortage of qualified applicants available at the hiring rate, or the refusal of qualified applicants to accept employment at the hire rate. Any adjustments to the hire rate above \$2500 must be approved by the Board of Commissioners.

- (b) **Failure to Perform Satisfactorily**
An employee who fails to perform satisfactorily may be denied a salary increase or demoted, and subjected to further appropriate disciplinary action.
- (c) **Merit Increases**
An employee who demonstrates above average performance as indicated by his or her annual performance evaluation may be eligible for a merit increase.

Section 5. Progression from Probationary or Provisional Period

Upon satisfactory completion of a probationary period of initial service for an employee covered by the State Personnel Act, or the completion of a provisional period of initial service by a General County employee, an employee will be elevated to the minimum salary rate or, a six percent increase in salary. Employees hired above the hire rate will be elevated to a six percent increase unless other written condition of hire has been offered and accepted.

Section 6. Delay of Performance Evaluation

An employee's absence from work due to sick leave, leave without pay, Workers' Compensation, or any other authorized leave is cause for the Department Head or the County Manager to request an extension for the annual performance evaluation review, if required for meaningful evaluation of work performance.

Section 7. Merit Increases

Merit increases, defined as advancements within the salary range, are not automatic. Factors which may be considered when evaluating employees for potential salary increases include, but are not limited to, the following:

- (a) Exceptional work achievements;
- (b) Performance excellence in quality, quantity, and knowledge of work;
- (c) Relationships with co-workers, including, but not limited to, willingness to accept job assignments;
- (d) Amount of guidance or supervision required;
- (e) Initiative and effective utilization of time; and
- (f) Special contributions to productivity.

Each employee may be considered annually for a merit increase on his/her anniversary date or other predetermined date. Any such merit increases must be recommended and documented by the Department Head and approved by the County Manager, and be granted subject to budgetary availability, as determined by the Board of Commissioners. Even though all regular employees may be considered for merit increases, merit increases will be granted only to employees who have exceeded the standard of expected performance for their positions. Under no circumstances will an employee who has less than 12 months of service be given a merit increase

Merit increases will be given in conjunction with an employee's annual evaluation, during which his or her position description shall be reviewed and modified and revised, if necessary.

Granting and implementation of merit increases shall depend upon and be subject to budgetary considerations, etc.

Section 8. Payment within the Salary Range

All employees covered by the pay plan shall be paid at a rate within the salary range established for their respective job classes except for employees in a trainee status or employees whose present salaries are above the established maximum rate following transition to a new pay plan. When an employee attains the maximum rate of a salary range for his or her present position, no further salary increase will be received unless (1) the position is reclassified, (2) the employee is promoted to another position with a higher salary range, or (3) the salary for the present position is increased.

Section 9. Salary of Trainee

An applicant hired or an employee promoted to a position in a higher class who does not meet all the established requirements of the position may be appointed with the approval of the County Manager, at a rate of \$1 below the minimum yearly salary established for that position. Employees who are subject to the State Personnel Act will be designated as "trainees" in accordance with rules and regulations established by the Office of State Personnel. All other County employees shall be designated "trainees" based upon recommendations of the Department Head.

Section 10. Pay Rates in Promotion, Demotion, Transfer, and Reclassification

When an employee is promoted, demoted, transferred, or reclassified, the rate of pay for the new position shall be established as follows:

- (a) When a promotion occurs which involves movement to a new salary grade, if an employee's salary is below the minimum of the new salary grade, the employee's salary shall be increased to the minimum of the salary grade assigned to the class to which the employee is promoted. If an employee's current salary is already above the new minimum, his or her salary may be adjusted at the discretion of the County Manager to ensure that a minimum of six percent (6%) increase is granted, provided that the adjusted salary does not exceed the maximum of the assigned salary range.
- (b) If an employee is demoted as a result of a reclassification and the employee's current salary is above the maximum of the lower salary grade, the employee's salary will remain the same until general schedule adjustments or range revisions bring the salary within the lower salary grade. If an employee is demoted for disciplinary reasons, the employee's salary will be reduced to any amount in the lower salary grade as long as the reduced salary does not fall below the minimum of the lower salary grade.
- (c) When a transfer occurs from a position in one class to a position in another class assigned to the same salary grade, the employee shall continue to receive the same salary. When an employee voluntarily transfers from a higher salary grade

to a lower salary grade (applies for and accepts a position of a lower salary grade), the employee's salary will be adjusted to the posted hire rate of the lower salary grade.

- (d) When an employee's position is reclassified to a class having a higher salary grade, the employee's salary shall be increased to the minimum of the new salary grade. If the employee's current salary is already above the minimum of the new salary grade, the employee's salary may be adjusted at the discretion of the County Manager, to ensure a minimum six percent (6%) increase, provided that the adjusted salary does not exceed the maximum of the assigned salary grade.

Section 11. Pay Rates and Salary Range Revisions

When the Board of Commissioners approves a change in salary range for a class of positions, the salaries of employees whose positions are allocated to that class shall be affected as follows:

- (a) When a class of positions is assigned to a higher pay range and an employee's salary in that class is less than the minimum salary rate of the salary range for the classification, the employee's salary shall be adjusted to the minimum of the range of the newly assigned class. If the employee's salary is already at or above the new minimum of the range, the Board of Commissioners may elect to increase the salary within the range. An employee's salary may not exceed the maximum of the range in the newly assigned class.
- (b) When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum step established for the new class, the salary of the employee shall be maintained at that level until such time as the employee's pay range is increased above the employee's current salary.

Section 12. Pay for Part-Time Work

Compensation of any employee appointed for less than full-time service shall be computed based on the ratio of the hours actually worked by the part-time employee in relation to the corresponding salary the employee would earn and hours the employee would work if he or she were full time.

Section 13. Overtime/Compensatory Time

Department Heads are required to limit approved overtime to only that which is necessary, since use of compensatory time or overtime is an expenditure or obligation of County funds, the final authority for which rests solely with the Board of Commissioners.

It is the intention of the County to abide, in good faith, by all applicable sections of the Fair Labor Standards Act (hereinafter referred to as the "FLSA") and all applicable State and

Federal wage laws. In accordance with these laws, the County will properly record and compensate for overtime hours accrued for each eligible employee.

Employees are expected to work during all assigned periods. Employees are not to perform work during times when they are not scheduled to work unless they receive approval from their immediate supervisor, except in cases of emergency. An emergency is deemed to exist if a condition arises which could reasonably result in damage to property or persons or which requires immediate attention of the employee. Employees who work excess hours because of an emergency shall advise their immediate supervisor of the overtime worked as soon as practicable following completion of the work.

Overtime will be allowed only upon individual approval by the Department Head. Compensatory time off at the rate of one and one-half hours for each hour worked will be granted in lieu of overtime pay, unless prior authorization for overtime pay has been granted by the Board of Commissioners.

Full-time and part-time non-law enforcement employees and law enforcement employees who are classified as "exempt" from the overtime provisions of the FLSA are paid for fulfillment of work responsibilities rather than for particular hours worked. Hours which would otherwise be categorized as overtime hours for a non-exempt employee when worked by an exempt employee are considered usual and customary for completion of assigned responsibilities. There is no requirement that exempt employees receive additional compensation, in any form, for such hours worked in excess of 40 per week. Overtime will be paid to all to include exempt employees who work overtime during state and federal emergencies. Conversely, non-exempt employees are subject to the overtime provisions of the FLSA.

Each position is classified as either exempt or non-exempt based on the job requirements and the job duties actually performed. An employee should contact the Personnel Officer with any questions regarding the designation of his or her individual position.

Overtime Compensation for Non-law Enforcement Employees

Full-time and part-time non-law enforcement employees who have been classified as "non-exempt" from the overtime provisions of the FLSA must be paid for overtime hours worked or given compensatory time off when they work in excess of forty (40) hours per work week.

The work week will be from 5:01 p.m. on Friday to 5:00 p.m. on the following Friday with the exception of the Sheriff's Department, whose work week is from 6:01 p.m. on Friday to 6:00 p.m. on the following Friday.

Approval to Work Overtime

All overtime worked by non-exempt employees must be approved in advance by the individual employee's Department Head. Supervisors and Department Heads are responsible for ensuring that overtime hours are authorized, recorded, and properly documented for compensatory time or overtime pay in accordance with established record keeping procedures.

Non-exempt employee work which has not been requested or approved by management, but which is endured or permitted, is considered work time. In such situations, Department Heads must instruct non-exempt employees to stop working, if the Department Head does not approve of the additional work performed.

Overtime Compensation for Non-exempt Employees

All employees in non-exempt categories who are required to work overtime may receive compensatory time off at the rate of one and one-half hours for each overtime hour worked, in lieu of overtime pay. However, when an employee's accrued compensatory time exceeds the allowable limits, overtime compensation will be paid. When overtime is paid, such pay is at the rate of one and one-half (1 ½) times the employee's regular hourly rate for those hours worked in excess of 40 in one week.

Employees will not be permitted to accumulate more than 240 hours of compensatory time (earned from working 160 hours of overtime). Compensatory time shall be taken as soon as practicable after such time has been earned, and within the following two 28-day work periods from that period in which the overtime was worked. In extraordinary cases where this is not possible, the compensatory time off must be given to the employee within a reasonable amount of time to ensure that accumulation of compensatory time is kept to a minimum.

In the event of separation from employment, an employee shall be entitled to receive payment for properly accrued compensatory time in accordance with the provisions of this section.

Overtime for Law Enforcement Employees

Full-time and part-time law enforcement employees who have been classified as "non-exempt" from the overtime provisions of the FLSA must be paid for overtime hours worked or given compensatory time off for hours worked in excess of 171 hours in a 28 day work period.

Jailers will be paid for overtime hours worked or given compensatory time off for hours worked in excess of 171 hours in a 28 day work period.

Approval to Work Overtime for Law Enforcement Employees

The provisions of "Approval to Work Overtime" apply to law enforcement employees. All overtime hours worked by all non-exempt law enforcement employees must be approved in advance by the Sheriff.

Overtime Rates/Compensatory Time for Non-exempt Law Enforcement Employees

All employees in non-exempt law enforcement categories who are required to work overtime may receive compensatory time off at the rate of one and one-half hours for each overtime hour worked, in lieu of overtime pay. However, when an employee's accrued compensatory time exceeds the allowable limits, overtime compensation will be paid. When overtime is paid, such pay is at the rate of one and one-half (1 ½) times the employee's regular hourly rate for those hours worked in excess of 171 hours in a 28 day period.

When overtime is paid to Jailers, such pay is at the rate of one and one-half (1 ½) times the employee's regular hourly rate for those hours worked in excess of 171 hours in a 28 day period.

Employees will not be permitted to accumulate more than 480 hours of compensatory time (earned from 320 hours of overtime). Compensatory time shall be taken as soon as practicable after such time has been earned, and within the following two 28-day work periods from that period in which the overtime was worked. In extraordinary cases where this is not possible, the compensatory time off must be given to the employee within a reasonable amount of time to ensure that accumulation of compensatory time is kept to a minimum.

In the event of separation from employment, an employee shall be entitled to receive payment for properly accrued compensatory time in accordance with the provisions of this section.

Section 14. Payroll Deductions and Complaint Procedure

Federal and State income taxes, Social Security taxes, and retirement contributions shall be payroll deductions authorized by law and the Board of Commissioners. Any other payroll deductions from an employee's pay for contributions to charitable or other organizations will be made only upon the prior request of and authorization by the employee and the prior approval of the County Manager.

The County is committed to complying with the FLSA, and all applicable wage laws, and its own salary policies and practices. The County is also committed to responding to employee complaints and inquiries relative to these laws, and to remedying any improper practices.

“Exempt Employees” are those employees exempt from the overtime provisions of the FLSA. The County prohibits improper deductions from the wages of its exempt employees. Subject to certain exceptions, salaried, exempt employees must receive their full salary in any week in which they perform any work, without regard to the number of days or hours worked.

Monetary deductions from salary deemed permissible under this section may be made only after the employee has exhausted all applicable leave banks. Deductions may then be made when an employee is absent for one or more full days for personal reasons. Deductions may also be made for absences of one or more full days due to sickness or disability, including work-related accidents, if the deduction is made in accordance with a plan, practice, or policy providing compensation for loss of salary occasioned by such sickness or disability. Leave time taken under the FMLA may also be deducted proportionately from an employee's salary. Deductions may also be made for infractions of safety rules of major significance and for disciplinary suspensions imposed for infractions of workplace conduct rules. Further deductions may also be made in accordance with additional exceptions under the FLSA, about which questions may be directed to the Personnel Officer.

Complaints regarding alleged improper salary deductions must be made to the Personnel Officer, who will then make a full investigation to determine whether deductions taken, if any, were improper, and advise the employee accordingly, fully reimburse the employee for any improper deductions, and take all measures necessary to ensure that no

further improper deductions are made.

Section 15. Pay Schedule

The County customarily pays employees on a bi-weekly basis.

Section 16. Cost-of-Living Increases

Employee wages will be reviewed annually and possibly adjusted with a percentage cost of living increase. Such adjustments will depend upon the availability of funds, and will be subject to the approval of the Board of Commissioners. Probationary and provisional employees are eligible for cost-of-living increases.

Section 17. Effective Date of Salary Adjustments

Cost of living salary adjustments shall become effective on the date specified by the Board of Commissioners.

Section 18. Holiday - When Work Required

County employees required to work on a holiday observed by the County will receive non-FLSA compensatory time off in the amount of one hour per each hour worked.

Section 19. Longevity Pay Plan

The Longevity Pay Plan is intended to recognize and reward County employees for continuous service on an annual basis. Longevity payment will be made to eligible employees in accordance with the specified Longevity Pay Plan based on such employees' continuous service each year.

Time and Method of Longevity Pay

Longevity pay is automatically paid when all eligibility requirements are met. Longevity pay shall be made in a lump sum, at the first of the month the employee becomes eligible. This includes employees on Workers' Compensation leave.

If an employee who has at least five years of aggregate service retires, resigns, dies or is otherwise separated before a date on which he or she would be eligible for the longevity payment, a longevity payment computed on a pro-rata basis shall be paid if all other eligibility requirements are met. In either event, payment shall be made to the employee or to the employee's estate, if the employee is deceased.

Amount of Longevity Pay

Annual longevity pay amounts are based on the length of aggregate County service and a percentage of the employee's annual rate of base pay on the date of eligibility. Longevity pay amounts are computed by multiplying the employee's base pay rate (as of the longevity eligibility date) by the appropriate percentage from the following table.

<u>Years of Aggregate Local Service</u>	<u>Longevity Pay Rate</u>
5 but less than 15 years	1.50 percent
15 but less than 20 years	2.25 percent
20 but less than 25 years	3.25 percent
25 or more years	4.50 percent

For an otherwise eligible employee who separates before the date of annual eligibility, a prorated longevity payment will be made. The longevity pay amount shall be computed on the salary as of the last day worked; then it is prorated by an amount equal to the proportion of the year worked toward the annual eligibility date. The employee will receive 1/12 of the annual amount for each month worked toward the next longevity payment. For example, if an employee received longevity on January 1 and separates on July 31, 7/12 of the full longevity payment would be paid. If an employee has a fraction of a year toward the next higher percentage rate, the payment would be based on the higher rate. For an employee with 19 years and 3 months service, the payment would be based on 3.25% rather than 2.25%.

Eligibility Requirements for Longevity Pay

An employee must have a full-time regular appointment with at least five years of aggregate qualifying service before being eligible for any longevity payments. An employee's earliest possible date of eligibility for a longevity payment is the employee's date of employment when five years of aggregate county service have been completed. If an employee is receiving aggregate credit with a prior employer, the employee must be employed one year with the County before becoming eligible for longevity. Years of service shall be computed as of the anniversary date of employment (and the service recognized shall be continuous.) A period of leave without pay in excess of one-half the workdays in a month (with the exception of military leave and Workers' Compensation leave) will be prorated on the longevity anniversary date by the length of the absence. A longevity payment will be made annually at the first of the month of the employee's anniversary date of employment.

Credit for the aggregate service requirement shall not be given for temporary full-time or temporary part-time employment unless the employee is made a regular employee in the position in which he/she was employed with no break in service. Upon change of appointment from regular to temporary or part-time, the employee is ineligible for continued longevity pay; if applicable, and the change is not temporary, a pro-rata payment shall be made as if the employee were separating from County service.

If an ineligible employee (having less than five years of service) goes on long-term disability leave or leave without pay (with the exception of military leave and Workers' compensation leave) prior to becoming eligible for longevity pay, longevity pay will not be paid until the employee returns and completes the full period of employment service needed for eligibility, minus any unpaid leave periods. If the ineligible employee resigns during the leave without returning to work, he or she will not be eligible for any longevity payment.

If an employee eligible for longevity pay goes on long-term disability leave or leave

without pay (with the exception of military leave and Workers' compensation leave) prior to becoming eligible for an annual longevity payment, longevity pay will occur on the existing anniversary date, but will be pro-rated to reflect the fraction of the completed year worked. If an eligible employee should resign while on leave without pay, the pro-rated amount of the longevity payment for which the employee is eligible shall be paid upon resignation.

Aggregate Service

Aggregate service is the time worked at full-time or part-time (at least half-time or over) regular, trainee, probationary or provisional employment, or permanent employment if subject to the State Personnel Act. Regular part-time employment is credited as aggregate service on a pro-rata basis and is computed only as a percentage of the amount the employee would be credited if full-time. Full-time aggregate service will include that time previously credited for employment in the North Carolina Teacher and State Employees Retirement System or the Local Government Employees Retirement System as verified by those systems or the previous employer. Verification must be received in writing from a qualified previous employer before employee receives aggregate service credit. For the purpose of longevity pay, no employee will receive credit retroactive to the date verification of prior service is received and approved.

Payment of Longevity Pay

Longevity pay is not considered a part of annual base pay for classification and pay purposes, nor is it to be recorded in personnel records as a part of annual base salary. The following payroll deductions are to be made from each longevity payment: Federal Income Withholding Tax, State Income Withholding Tax, Social Security Tax (F.I.C.A.), and employee's retirement contribution. Employee's retirement contributions will be deducted only for percentage deductions. No flat rate retirement deductions, or other deductions, such as savings, bonds, credit union saving or payments, or insurance premiums are to be made.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

The County maintains a policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, marital status, citizenship status, veteran status, ancestry, creed, disability, handicap, age, genetic background, or political affiliation. Equal employment opportunity extends to all aspects of the employment relationship, including hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits, and other terms and conditions of employment.

The County complies with federal and state equal employment opportunity laws and strives to keep the workplace free from all forms of harassment, including sexual harassment. The County considers harassment in all forms to be a serious offense.

The County implements this policy by maintaining a systematic, consistent recruitment program for the purpose of identifying and attracting the most qualified applicants for present and future position vacancies. Efforts will be made to provide notice concerning existing vacancies and evaluate applicants according to objective criteria and, where appropriate, through use of testing methods provided by the local Job Service Office of the Employment Security Commission.

Employees who have been subject to prohibited discrimination or harassment are required to immediately report the incident to their supervisor, the Personnel Officer, and/or the County Manager in accordance with the Sexual Harassment or Other Unlawful Harassment Complaints Procedure herein. Complaints are investigated immediately and handled as confidentially as possible. Any reported violations of EEO law or this policy are investigated. Supervisors or employees found to have engaged in discriminatory conduct or harassment are subject to immediate disciplinary action, including possible termination of employment.

In furtherance of this policy, the County prohibits any illegally discriminatory or retaliatory action of any kind taken by any employee of the County against any other employee or applicant for employment with the County on the basis of a person's having made a charge against, testified, assisted or participated in any manner in a hearing, proceeding or investigation relating to alleged employment discrimination.

Section 2. Recruitment

All County departments, including those subject to the State Personnel Act, upon learning of a position vacancy, shall notify the Personnel Officer. The Personnel Officer will first post that vacancy with all County departments, then advertise that vacancy with local news media and other media as appropriate, and list vacancies with the Employment Security Commission.

The Personnel Officer will provide information on job openings, and hiring practices shall be provided to recruitment sources including organizations and news media available to minority applicants. Position announcements shall be posted for a minimum of seven working days at selected sites within departments, in the County Manager's Office, at the local Employment

Security Commission Office, and with any other established referral sources. Position vacancies will be advertised with local media a minimum of three days.

Individuals shall be recruited from a geographic area as wide as is necessary in order to obtain well qualified applicants for County service. Due to the nature of the positions, in that immediate response is necessary during times of emergency, the County Manager and Emergency Management Coordinator shall be required to reside within the County following the provisional period of their employment.

Section 3. Position Advertisements

Recruiting announcements shall include basic information about the position, a contact person and the closing date for applications. Additional information, including a description of duties and minimum qualifications, will be supplied by the Personnel Officer to the Employment Security Commission and to applicants upon request.

Section 4. Employment Application

The North Carolina State Application shall be the standard application form accepted for any and all position listings. All applications shall be made to the Personnel Officer or the local Employment Security Commission Office. No applications for employment may be accepted within a particular agency or department. Application forms must be completed by all applicants and forwarded to the Personnel Officer for retention in the personnel folder of the employee.

Section 5. Application Tracking

The Personnel Officer shall be responsible for maintaining records regarding job announcements, including posting and closing dates, all optional referral sources utilized during the recruitment process, and the specific information relating to the pool of applicants considered for each position vacancy.

Specific information maintained by the Personnel Officer shall include an alphabetized listing of job applicants; test scores, when applicable; and other pertinent information regarding each position vacancy. To the extent feasible, reference to these records shall be made periodically as part of the County's general selection procedures, for the purpose of promoting County's general policy of providing equal consideration to all qualified job applicants. Applications will be kept on file for one year following the receipt of such applications.

Section 6. Qualification Standards

Applicants shall meet the employment standards established by the position Classification Plan and such other reasonable and appropriate minimum standards as may be established by the Board of Commissioners with the advice and recommendations of the County Manager. Qualification standards shall be reviewed periodically for purposes of determining whether they are commensurate with specified standards and conform to actual job performance requirements.

Appointments shall be made on the basis of merit and without regard to politics, age, race, sex, color, handicap, disability, religious affiliation, national origin, genetic characteristics, or other illegally discriminatory criteria.

Section 7. Selection

Department Heads, in cooperation with the County Manager, will develop, utilize, and document, on a consistent and routine basis, a selection process which best suits the needs of each agency or department and appropriately measures job performance in order to ensure that the best qualified candidate is selected for the vacant position. Such selection method shall include, at a minimum, a structured interview format which ensures all candidates are asked substantially similar questions, and that the answers to those questions are evaluated in good faith, in an objective, fair manner which provides a fair and equal opportunity to all candidates. The County provides individuals with disabilities the reasonable accommodations they need to interview, which might include providing an accessible location.

An interview panel will be established to conduct the candidate interview, evaluate relative qualifications and merits of each candidate and, in the case of County employees not subject to the State Personnel Act, provide a recommendation to the County Manager as to which candidate should be selected. In departments subject to the State Personnel Act, the interview panel will consist of employees in that department and the recommendation shall be made to the applicable appointing authority. Every interview panel hereunder will include one male, one female, and one minority. All decisions as to selection of candidates to fill a vacancy will be supported by objective and detailed written documentation reflecting that all of the above policies have been met.

Federal and state law prohibits discrimination on the basis of race, color, religion, gender, age, national origin, genetic background, and citizenship status. Accordingly, additional guidelines are available in the office of the Personnel Officer which identify specific questions which should be avoided because they might imply that the County's decisions are made on a discriminatory basis. All members of the interview panel must familiarize themselves with these guidelines before conducting an interview with a job applicant. Note that these guidelines apply whether an interview is conducted over the telephone or in person and whether the interview is for an open position or for informational purposes only.

In filling position vacancies, every effort should be made to promote qualified employees from within the County who apply for the position.

Section 8. Appointments

The County Manager and Department Heads will coordinate efforts with regard to communicating any job offers to applicants or employees for position vacancies.

The personnel action form; the original employment application; the test score sheet, when applicable; and any additional supportive documentation shall be provided to and maintained by the Personnel Officer. The County Manager shall approve or reject proposed appointments and determine if the classification and starting salary are appropriate subject to the following conditions:

- (a) If the duties of the position may involve operation of County owned or insured vehicles, the Personnel Officer will initiate a review, prior to any offer of employment, of the driving record of the person to be hired and this review will become a part of the personnel file, and
- (b) Prior to employment, and after a conditional offer of employment, all employees shall submit to a urine drug screen in accordance with Pamlico County's Drug & Alcohol Testing Policy.

The Sheriff and Register of Deeds shall have authority over the appointments to their respective departments, with the County Manager determining the class and salary applicable to new employees. The Board of Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude.

Section 9. Provisional Period

A General County employee not subject to the State Personnel Act shall serve an initial provisional training period with the County of a period of at least six months. This provisional period is an orientation or training period during which employees can receive extra feedback while they learn a new job. Provisional employees will be ineligible to participate in certain employee benefit plans. After satisfactorily completing the provisional period, the employees obtain regular status, and have the same benefits as other regular General County employees. However, provisional employees, like regular General County employees, can be terminated by the County at any time, with or without notice, and with or without cause. An employee may be dismissed without appeal rights under Article VIII of this policy during any provisional period following initial appointment at any time the Department Head (or in the case of Department Heads, the County Manager) determines the employee is not satisfactorily performing his assigned duties or has engaged in unacceptable personal conduct.

Section 10. Probationary Period

An employee subject to the State Personnel Act shall have an initial employment probationary period of no less than three and no more than nine months. Any employee who is serving a probationary period following initial appointment may be dismissed at any time during the probationary period if the employee is found to be exhibiting personal conduct detrimental to the agency or performing assigned duties unsatisfactorily. At the end of the designated probationary period, an employee who has not achieved the desired level of performance shall be separated unless he or she is in a training appointment. Employees who complete a probationary period in a satisfactory manner will be considered permanent employees for purposes of the State Personnel Act.

Section 11. Promotion

Candidates for promotion shall be chosen on the basis of their qualifications and their work records. If a current County employee is chosen for promotion, the Department Head shall forward the promotion request to the County Manager with recommendations for classification and salary as well as specific reasons for selecting the employee over other applicants. After considering the Department Head's recommendation, the County Manager

shall make or reject the proposed appointment and, if the appointment is made, shall determine the classification and starting salary for the employee, subject to approval, as appropriate, by the Board of Commissioners.

Section 12. Demotion

Any employee whose performance in his or her present position is unsatisfactory or whose personal conduct is unsatisfactory may be demoted, provided the employee shows promise of exhibiting satisfactory performance in another position.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a demotion for reasons other than unsatisfactory performance or unacceptable personal conduct.

Section 13. Transfer

If an employee is eligible for a transfer and wishes to be considered for an appointment to a vacant position in another department, a written request made by the Department Head wishing to hire the employee and an application completed by the employee shall be forwarded to the Personnel Officer during the recruitment period for the position. The request for transfer shall be subject to approval by the County Manager.

Any employee who has successfully completed a provisional or probationary period may be transferred to the same or similar class in a different department without serving another initial employment provisional or probationary period.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Week

County offices will generally be open to the public each Monday through Friday continuously from 8:00 a.m. to 5:00 p.m. The normal work day shall be eight (8) hours between the hours of 8:00 a.m. and 5:00 p.m. with one (1) hour permitted for lunch. Exceptions may be made if authorized by the County Manager and when it is an observed holiday or the activities of a particular department require some other schedule to meet the needs of the County. The standard schedule shall not apply to "on call" personnel or those County departments which operate on a different schedule.

A workweek shall be defined as follows:

From 5:01 p.m. Friday through 5:00 p.m. the following Friday for General County Employees, Health Department, and Social Services.

From 6:01 p.m. Friday through 6:00 p.m. the following Friday for employees in the Sheriff's Department.

Section 2. Flex Time

The responsibilities assigned to and tasks required by any given department may change from time to time. Adapting to these changes may require adjusting the normal workday of certain employees. With the approval of the County Manager, and if not unduly disruptive to County operations, flex time may also be used by an employee to pursue a course of educational study or for other personal reasons.

When appropriate, the County Manager is authorized to adjust the normal workday of individual employees, and shall report all such adjustments to the Board of Commissioners at their next regularly scheduled meeting. The Department Head, in conjunction with the County Manager, may require an employee whose schedule has been previously modified pursuant to this policy to resume his or her normal work schedule at any time.

Section 3. Emergencies

County employees, without exception, as a condition of their initial and continued employment, shall be available for work during emergency situations. Unless exempt under the FLSA, such employees shall be compensated for such work as required. Emergency conditions will be declared by the Board of Commissioners, the County Manager or the Emergency Management Coordinator in concert with the Chairman of the Board of Commissioners. Once the emergency condition is declared, the employee is not required to stay at home for possible call back, but is merely required to report to the appropriate authority to ascertain the need for his or her services.

Section 4. Gifts, Tips, Favors, and Gratuities

Pamlico County officials and employees shall not accept gifts, tips, favors, gratuities, or other things of value which may influence, tend to influence, or appear to have the capacity to influence that official or employee in the discharge of his or her duties. No County official or employee shall accept any gift, whether in the form of a service, loan, item, or promise from any person, firm or corporation who, in the official's or employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the County. No County official or employee shall grant any improper favor, service, or other thing of value in the discharge of duties. Gratuities in the form of money shall be refused by all County officials and employees.

Section 5. Political Activity Restricted

Each County employee has a civic responsibility to support good government by every available means and in every appropriate manner. Any 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 of the United States of America. However, no County employee shall, while on duty, do the following:

- (a) Engage in any political or partisan activity;
- (b) Use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office;

- (c) Be required, as a duty or condition of employment, promotion, or tenure, to contribute funds for political or partisan purposes;
- (d) Coerce or compel contributions for political or partisan purposes by another employee of the County; or
- (e) Use County funds or property for political or partisan purposes.

Local Government Employees subject to the State Personnel Act and employees in certain federally-aided programs are subject to the Hatch Act, as amended. This federal act, in addition to prohibiting activities as set forth in (b), (c), (d), and (e) above, also prohibits candidacy for elective office in a partisan election.

Section 6. Sexual Harassment and Other Unlawful Harassment Policy

Pamlico County is committed to providing all employees with a work environment which is free of sexual harassment and other unlawful harassment. Therefore, the County strictly prohibits all forms of sexual harassment or other unlawful harassment in the employment relationship and in the employment context. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on County premises and whether or not the incidents occur during working hours.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which is explicitly or implicitly tied to a term or condition of employment, which unreasonably interferes with an employee's performance on the job, or which creates an intimidating, hostile, or offensive working environment. Sexual harassment can include, but is not limited to threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually oriented request; denying, directly or indirectly, an employee an employment-related opportunity, if the employee refuses to comply with a sexually oriented request; promising of job benefits in exchange for sexual favors; offensive or unwelcome physical contact or touching; sexual advances or offensive propositions; unwelcome flirtations; obscene or sexually suggestive gestures, comments or jokes; and the display of sexually explicit pictures, cartoons, or other items in the workplace. Sexual harassment may include any conduct, whether between male/male, female/female, or male/female, of a sexual nature that is unwelcome and makes a reasonable person feel uncomfortable.

Other unlawful harassment within the meaning of this policy can consist of verbal or physical conduct which denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, sex, national origin, disability, or other legally protected status or that of such individual's relatives, friends, or associates when such conduct is for the purpose or has the effect of creating an intimidating, hostile, or offensive work environment, has the purpose or effect of interfering unreasonably with an individual's work performance, or otherwise adversely affects an individual's employment opportunities. Such conduct can include, but is not limited to, epithets, slurs, negative stereotyping, threatening, intimidating, or hostile acts which relate to race, color, religion, gender, sex, national origin, age, disability, genetic background, or other legally protected status, or written or graphic material which denigrates or shows hostility or aversion toward an individual because of race, color, religion, gender, sex, national origin, age, disability, or other legally protected status which is placed on walls, bulletin boards, or elsewhere or is circulated in the workplace.

Employees who believe they have been subjected to harassment are required to make their unease and/or disapproval directly and immediately known to the harasser, and then advise their supervisor and/or the Personnel Officer concerning any form of sexual harassment or other unlawful harassment to which they are subjected or of which they have knowledge so that a confidential investigation may be conducted regarding such matter. Reports relating to offensive conduct shall be made directly to an employee's immediate supervisor, or where the supervisor is or may be involved in the conduct or it is the employee's preference, an employee shall report directly to the Personnel Officer or County Manager. When the Personnel Officer or County Manager is or may be involved in the conduct, an employee shall report directly to the Chairman of the Board of Commissioners. Reports of perceived harassment shall be made and subsequent investigations conducted in accordance with the Sexual Harassment or Other Unlawful Harassment Complaints Procedure.

No retaliation or other adverse action will be taken by the County against an employee who in good faith makes any report about sexual harassment or other unlawful harassment; communicates an intent to file a sexual harassment charge; testifies on behalf of a co-worker who filed a charge; refuses to testify on behalf of the County; files charges against other employers; opposes discriminatory employment practices; or reports discrimination or harassment on behalf of another employee. In response to a charge of harassment, the County will take immediate action to investigate thoroughly all charges and will take appropriate remedial measures to end any harassment and to prevent any future harassment.

Disciplinary action including, but not limited to, termination will be taken against any employee who engages in sexual harassment or other unlawful harassment.

Section 7. Sexual Harassment or Other Unlawful Harassment Complaints Procedure

Step 1: An employee who believes that he or she has been subjected to sexual harassment or other unlawful harassment, as defined by the Pamlico County Sexual Harassment and Other Unlawful Harassment Policy or these Personnel Policies, shall report such acts to their supervisor, and/or the Personnel Officer. If the supervisor is unable to resolve the complaint, the supervisor shall advise the Personnel Officer, who will schedule an appointment with the employee at the earliest practicable time. (If the Personnel Officer is the subject of the complaint, the supervisor shall advise the County Manager, and the steps of this policy shall be completed by the County Manager.) The employee will be requested to provide verbal and written information, as appropriate, including possible preparation of a formal written statement as referred to in Step 3 of this procedure.

Step 2: The Personnel Officer, upon receipt of a verbal or written complaint, will interview the employee to ascertain the circumstances involved and will prepare a memorandum for the County Manager and file summarizing the complaint.

Step 3: The employee will then be provided facilities and materials with which to prepare a written statement concerning the allegations of harassment. The written statement shall describe the incident(s) in detail, including dates, times, other employee(s) involved, and specifics of the act(s) deemed as harassing.

Step 4: Upon receipt of the written statement, the Personnel Officer will conduct a thorough and fair investigation to include the obtaining of statements from the accused party and any witnesses. All information obtained during this investigation will be kept as confidential as is possible. Upon conclusion of the investigation, the Personnel Officer will inform the County Manager of the details of the investigation.

Step 5: As soon as possible, the County Manager will make a decision regarding imposition of any disciplinary action, as appropriate; will advise the Board of Commissioners concerning action taken; and will prepare a report to the Board of Commissioners. This report shall include, as appropriate, the allegations made, findings of fact, and opinions and recommendations. If the charge is substantiated, appropriate disciplinary and remedial follow up measures will then be taken. The County attempts to complete investigations within 15 working days. Except in the most unusual circumstances, investigations must be completed within 30 working days. In the event the County is unable to complete the investigation within 30 days, the County shall give notice of same to the employee who made the complaint.

For employees covered by the State Personnel Act, grievances which allege unlawful workplace harassment must also be submitted in writing to agency management within 30 calendar days of the alleged harassing action, and the agency must be given 60 calendar days in which to take remedial action, if any. In such situation, the County Manager or Personnel Officer will coordinate with the agency to conduct an investigation and reach a resolution of the complaint.

Section 8. Dress Code

It shall be the responsibility of all employees to represent the County to the public in a manner which shall be courteous, efficient and helpful. County employees should always be well-groomed and dressed in a manner suitable for the public service environment and to reflect favorably the County's image. The employee's supervisor will discuss the subject of personal appearance with the employee if it is felt it does not positively reflect the image of the County.

All attire should be neat, clean, pressed and in good condition. Any employee deemed by the Department Head to be inappropriately dressed will be asked to return home in order to change clothes. Employees will not be compensated for the time that they do not work as a result. Repeated violations will be subject to the disciplinary process.

Section 9. Outside Employment

The work of the County shall take precedence over other occupational interests of employees. Violation of this policy or conflicting outside employment will be grounds for disciplinary action up to and including termination.

County employees shall obtain advance approval for outside employment of any nature. Requests for permission to engage in outside employment shall be submitted to the Department Head, in writing, prior to engaging in or accepting work. If the Department Head does not foresee any conflict between the proposed outside employment and the employee's County position, he or she will then forward the request to the County Manager for approval.

Outside employment for Department Heads is discouraged. In the case of Department Heads who are subject to the State Personnel Act, requests for permission to engage in outside employment shall be submitted, in writing, to the Department Head's governing Board of Directors for consideration. If approved by the Department's governing Board of Directors, the request shall then be submitted to the Board of Commissioners for approval. All other Department Heads shall submit their requests for permission to the County Manager.

Section 10. Limitation of Employment of Relatives

In order promote equal opportunity for employment for all qualified individuals, members of an immediate family shall not be employed within the same operational department or unit. This includes situations in which such employment will result in one family member supervising another member of his or her immediate family or where one member occupies a position which has influence over the other member's employment, promotion, salary administration, or other related management or personnel considerations.

The term "immediate family" is defined as wife, husband, mother, father, brother, sister, son, daughter, step-child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, stepmother or stepfather. However, the provisions of this section shall not be retroactive and no action will be taken concerning those members of the same family who are currently employed by the County and were employed by the County prior to adoption of this policy.

The Board of Commissioners shall approve the appointment by the Sheriff or by the Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin or a person who has been convicted of a crime of moral turpitude as required by Chapter 153A-103(1) of the North Carolina General Statutes.

Section 11. Travel Policy

The purpose of this policy is to establish procedures for authorization of travel and reimbursement of the cost of authorized travel by County employees, County approved drivers, and elected and appointed officials for the purpose of conducting County business.

Definitions

Authorizing Party – an individual authorized by this policy to approve or disapprove travel requests, cash advance requests, and travel reimbursement requests.

Requesting Party – a County employee, approved driver or official who will be reimbursed for travel costs.

Travel - going from the normal job location to a site located more than 5 miles from the normal job location to conduct County business.

Transportation - costs incurred for travel by automobile, taxi, rental cars, bus, train, or plane. It includes tolls, parking fees, and tips for the handling of baggage.

Authorization

Employee travel within Pamlico County does not require written approval of the Authorizing Party, although verbal approval shall be given in advance. For, out-of-County travel for employees, the County Manager is the Authorizing Party. Out-of-state travel requests by employees and Department Heads will be authorized by both the Department Head and the County Manager.

Use of a County automobile must be approved, prior to use, by the Authorizing Party. Overnight travel in County automobile must be approved by the County Manager. Use of a personally owned vehicle for County business must be approved by the Authorizing Party. After hours emergency use of a personally owned vehicle used for County business must be approved by the Finance Department on the next working day after the travel occurs.

All travel which is reimbursed by Federal or State funded programs must conform to the travel guidelines as set forth in OMB Circular A-87, in addition to the County policy.

No more than four 4 employees may represent a department at a non-state sponsored instructional meeting and/or convention, including no more than one employee per professional category. Any employees in excess of four attending non-state sponsored events will attend on their own time, at their own expense unless prior approval by the Board of County Commissioners is obtained.

Arrangements

All arrangements for travel must be approved by the Authorizing Party. All travel costs, not paid in advance by the County, will be paid directly by the requesting party, and will not be billed to the County. The Requesting Party is encouraged to travel with other employees and officials of the County and representatives of other government units when possible.

Advances

Travel advances will be issued at the discretion of the County Manager and/or Chairperson of the Board of County Commissioners. Advances will be requested on an Estimated Travel Expense Request Form, which will be submitted to the Authorizing Party for required approval.

Transportation

All necessary bus, train, and air transportation will be obtained at the most economical rate available. This includes the cost of taxi service and parking fees. The cost of travel to and from the normal job location or the personal residence of the requesting party and the point of departure/arrival is a reimbursable cost based on the shortest distance of travel.

County automobiles may be used for any authorized travel, only for the purpose of conducting County business. A minor amount of personal use, such as driving the automobile to and from dinner, will be allowed. Non-County employees may accompany County employees if they have a business interest in the travel. Although not encouraged, spouses and children of

County employees may accompany them in County-owned vehicles if space is available and the trip is strictly for official County business.

A Requesting Party may use his/her personal automobile for travel and be reimbursed at the current Internal Revenue Service approved rate only if the Authorizing Party approves the use in advance and one of the following conditions are met:

- (a) The Maintenance Supervisor determines that no reliable County automobile is available;
- (b) The Requesting Party has a physical handicap which requires use of a specially-equipped vehicle or has a physician's statement certifying that use of a personal vehicle is required; or
- (c) An after-hours emergency situation requires the travel.

Non-authorized use of privately owned vehicles (POV) may be reimbursed on a per mile basis calculated by the Finance Department, based on the average per mile cost of operation of County owned vehicles in the preceding fiscal year.

A rental automobile will be used for County purposes only when it is determined that no other mode of transportation is as practical. A minimal amount of personal use, such as driving to and from dinner, will be permitted. Use of a rental automobile must be approved in advance.

Subsistence

The lodging rate is limited to the lowest available single room rate when an employee is traveling with his/her spouse and children. Lodging expenses for locations which are within 50 miles of the County seat must be justified and approved in advance by the County Manager.

Per Diem Meal Rate: An Estimated Travel Expense Request, using the following per diem rates, will need to be approved by the Department Head and the Finance Officer and filed no less than 10 business days prior to the date of travel in order that a Travel Expense Advance check can be issued to the traveler.

Meal	Amount
Breakfast	\$ 9.00
Lunch	\$13.00
Dinner	\$24.00

The Per Diem rates are for full days of travel.

The Per Diem rates for overnight travel may be given for the partial day of travel on the departure date and the return date as follows:

- (a) Breakfast: Depart duty station prior to 6:00 am
- (b) Lunch: Depart duty station prior to 10:00 am (day of departure) and return to duty station after 2:00 pm (day of return)
- (c) Dinner: Return to duty station after 8:00 pm.

Phone calls for official County business are reimbursable expenses. Long distance personal telephone calls are not reimbursable except in emergencies, such as a significant change in travel plans. Request for reimbursement for these calls must be supported by explanatory documentation.

Receipt supported registration fees for an approved conference or convention will be reimbursed provided the fee was approved on a Statement of Travel Expenses.

No reimbursement is allowed for entertainment, snacks, drugs or alcoholic beverages. As an exception, small items may be purchased for a child in protective custody of the County, which must be documented by reference to the applicable case number.

Reimbursement Procedures

A requesting party will complete a Travel Expense Report, attach receipts for expenses requiring them, and submit it to the Authorizing Party no later than 5 working days after returning from travel. A Requesting Party who submits a falsified Travel Expense Report, or an Authorizing Party or Finance Officer who approves a known false Travel Expense Report will be subject to disciplinary action and/or criminal prosecution.

A Travel Expense Report and Check Request, if used, will be fully completed, signed and submitted to the authorizing party for approval, and then forwarded to the County Finance Department. The Finance Director will determine whether or not the Travel Expense Report has been properly approved, and will require any errors to be corrected before payment is made.

Reimbursements will be made only for actual costs supported by proper receipts. Reimbursement requests will only be approved when accompanied by the required Travel Expense Report and documentation. Advances will be deducted from reimbursable costs.

Section 12. Safety and Work Related Injuries

The County is committed to providing a safe and healthy workplace for all its employees. The County complies with all applicable requirements issued by the federal and state Occupational Health and Safety Administration. The responsibility for the success of the safety and health program is shared by management and all employees working at the County. The County has created a Risk Control Manual which employees should follow to promote safety in the workplace.

The objective of the safety and health program is to reduce or eliminate disabling injuries and illnesses. It is the policy of the County to exercise all precautions necessary to protect employees from all accidents. The County firmly believes that all accidents are preventable.

Employees are expected to take an active role in promoting workplace safety. If an employee witnesses an accident or an unsafe working situation, he or she must report it promptly to his or her supervisor or to the Personnel Officer.

Employees should take note of where the fire extinguishers, first-aid kits, and emergency exits for their department are located. For more information on safety and health procedures, employees should reference the Risk Control Manual or contact the Personnel Officer.

Employees must immediately report all work related injuries or occupational diseases to their supervisor, who will notify the Personnel Officer as soon as possible. Employees are responsible for ensuring that the Personnel Officer receives copies of all correspondence and invoices related to the accident or illness.

ARTICLE VI. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Paid Holidays Observed

The following holidays, in addition to any such other days which the Board of Commissioners may designate as holidays, shall be considered and treated as holidays with pay for all regular and probationary/provisional full or qualifying part-time County employees. Regular part-time employees who work less than 20 hours per week and full or part-time temporary employees are not eligible to receive holiday pay. Except for Christmas holidays, the County observance of holidays, as specified below, shall fall on the same date as the State observance of these holidays. When a holiday, other than Christmas Day, falls on a Saturday or Sunday, the subsequent Monday will be observed as a holiday.

Pamlico County observes the following holidays within the meaning of this section:

- New Year's Day
- Martin Luther King Jr's Birthday
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- The day after Thanksgiving
- The day before Christmas
- Christmas Day
- The day after Christmas

Additionally, to the extent feasible, Department Heads should attempt to arrange the work schedule so that an employee may be granted annual leave when it is requested because the day is a major religious observance for that employee.

Section 2. Effect of Work on Holidays on Other Types of Leave

Regular holidays which occur during an annual, vacation, sick or other paid leave period or during paid leave taken pursuant to the Family and Medical Leave Act by any officer or

employee of the County shall not be charged as annual, sick or other paid leave. Employees on any form of unpaid leave will not be compensated for holidays occurring during that leave.

Section 3. Holidays - When Work Required

Employees required to perform work on regularly scheduled holidays shall be granted, in addition to pay to which they are otherwise entitled, non-FLSA compensatory time off at the rate of one hour off for each hour worked or pay at their hourly rate for the hours actually worked. Compensatory time shall be granted whenever feasible and taken within three months from the time it is earned. In cases where actual work on a holiday extends an employee beyond the normal 40 hour workweek, FLSA compensatory time or pay for over 40 hours shall be credited or earned at the overtime rate for all hours actually worked in excess of forty, although non-FLSA holiday compensatory hours will still be given on an hour per hour basis.

Section 4. Leave Policy - Adverse Weather Conditions

In situations involving inclement weather, heavy snowstorms, or other unusual weather conditions which affect the operations of all or a majority of County Departments, it is incumbent upon the Department Head to ensure that his or her department or office is opened to the public at the usual time, unless prior notification to the contrary has been received from the County Manager's office.

Unless a public announcement or other notice has been given that County offices will be closed, employees are expected to be at work during normal working hours. Public announcements will normally be issued by the County Manager to television stations WNCT, WITN, WCTI, and WFXI as well as local radio stations WDLX 93.3, WIKS 102, WZYC 103.3, WRNS, WNCT 107.9, WNBR 94.1, and Public Radio 89.3.

County offices and departments shall remain open for the full scheduled workday unless authorization for early closing or other deviation from the customary schedule is received from the County Manager's office. All departments and offices will be given sufficient advance notice of any authorized early closing.

Should an employee find weather conditions so severe in his or her particular area as to make conditions hazardous, arrangements for late arrival or absence should be made with the Department Head. Such time out of work will be charged to vacation leave or deducted from salary for non-exempt employees if leave is not available. Employees who, of their own will and without authorization, leave work before an official early closing time, as well as those employees who report for work late or who do not report at all, will be required to use earned annual vacation or other leave for days or hours taken, in addition to being potentially subject to disciplinary action.

Employees on paid sick or annual vacation leave are not required to use paid leave time for any day when County offices are closed for inclement weather.

Section 5. Annual Vacation Leave

Rate of Accumulation

Any regular, full time employee working the basic 40 hour work week shall earn annual vacation leave at the following rate:

(a) Each employee with fewer than two years of service shall earn annual vacation leave at the rate of five-sixths (5/6) day per subsequent completed month, for a maximum of 10 days for each subsequent completed year of service.

(b) Each employee with two to five years of service shall earn annual vacation leave at a rate of one (1) day per subsequent completed month, for a maximum of 12 days per each subsequent completed year of service.

(c) Each employee with five to ten years of service shall earn annual vacation leave at a rate of one and one-fourth (1¼) days per subsequent completed month, for a maximum of 15 days per each subsequent completed year of service.

(d) Each employee with 10 to 20 years of service shall earn annual vacation leave at a rate of one and one half (1½) days per subsequent completed month for a maximum of 18 days per each subsequent completed year of service.

(e) Each employee with 20 or more years of service shall earn annual vacation leave at the rate of one and two-thirds (1 2/3) days per subsequent completed month for a maximum of 20 days per each subsequent completed year of service.

Each employee who has previous state or local government service shall be credited for that service for annual vacation leave accrual purposes in an amount equal to that credited toward retirement in the North Carolina Teachers and State Employees Retirement System or the North Carolina Local Government Employees Retirement System, as verified by those systems.

Each employee who is employed as a temporary employee and is subsequently made a regular employee with no break in service will receive hour-for-hour credit for his or her time in the temporary position for annual vacation leave accrual purposes and, at the Department Head's discretion, for probationary/provisional period purposes.

Annual vacation leave will be credited to each employee at the beginning of each month during which leave is earned. Annual vacation leave may not be taken until it has been earned and credited to the employee's account. A new employee will accumulate annual vacation leave but will not be permitted to take annual vacation leave during his provisional or probationary period of employment unless the denial of such leave will create an unusual hardship, and only upon the recommendation of the employee's Department Head and with the approval of the County Manager.

Maximum Accumulation

Annual vacation leave may be accumulated without any applicable maximum until June 30th, the end of each benefit year. If the employee separates from service, payment for accumulated annual vacation leave shall not exceed 30 days, accumulated to the date of separation. At the end of each benefit year, on June 30, any employee having accrued annual vacation leave in excess of 30 days shall have this excess accumulated vacation leave converted to sick leave. This converted sick leave shall be used in the same manner as accrued sick leave and may be used for authorized sick leave purposes only. Like regular sick leave, any unused converted sick leave may be counted toward creditable service at retirement subject to and in accordance with the provisions of the North Carolina Local Governmental Employees' Retirement System.

Manner of Taking Leave

Annual vacation leave may be taken as earned by a regular employee subject to the approval of the employee's supervisor. New employees may take earned annual vacation leave after the first six months of service. Exempt employees are encouraged to take annual vacation leave in full day increments. In addition, all Department Heads and other employees so designated by the Board of Commissioners are encouraged to take at least five consecutive workdays of accrued annual leave per calendar year.

Payment upon Separation

An employee who separates from County service after giving appropriate notice and upon returning all County property issued to that employee, shall be paid for annual vacation leave accumulated to the date of separation not to exceed a maximum of 30 days. Where an employee is involuntarily separated from employment under egregious circumstances, or without giving the required notice, accumulated annual vacation leave may be withheld, at the discretion of the County Manager.

The estate of an employee who dies while employed by the County shall be entitled to payment for all of the accumulated annual vacation leave, up to the 30 day maximum.

Scheduling of Annual Vacation Leave

Annual vacation leave shall be granted only as earned and as approved by the Department Head and at such time or times when such leave will least interfere with the efficient operation of the County business. Annual vacation leave will not ordinarily be granted when the employment of temporary help will be necessary during the absence of the regular employee.

The employee shall be required to give at least two weeks notice to the employee's Department Head of the employee's desire to take annual vacation leave. The Department Head must submit to the County Manager a written request to take annual vacation leave.

Annual vacation leave may be used for sick leave purposes after sick leave has been exhausted.

Transferring Annual Vacation Leave

Unused annual vacation leave may not be transferred from another unit of government to the County.

Charges for Annual Vacation Leave

Annual vacation leave may be taken in units of no less than one hour. Exempt employees are encouraged to take annual vacation leave in units of no less than one full day. Only scheduled workdays shall be charged in calculating the amount of leave taken.

Previous Leave Credit

An employee who separates in good standing and who is re-hired may receive credit for previous service for the purpose of accruing annual vacation leave at the discretion of the County Manager. The total months of previous service will be recognized at the end of the provisional period, or probationary period, if applicable.

Section 6. Sick Leave

Sick leave with pay is not a right which an employee may demand but a privilege granted by the Board of Commissioners for the benefit of an employee when appropriate.

Sick leave may be granted for:

- (a) The employee's own, or parent, spouse, or dependent child's scheduled medical procedure, medical appointment, dental appointment, sickness or bodily injury.
- (b) An employee's actual period of temporary incapacity caused or contributed to by pregnancy, miscarriage, abortion, childbirth and a reasonable time for recovery therefrom.
- (c) Death in the employee's immediate family, not to exceed three days for any one occurrence. Immediate family, for this purpose, is defined as spouse, parent, sibling, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, grandchild, stepparent or stepchild. (Additional leave time, under exceptional circumstances, may be authorized by the County Manager.)
- (d) Quarantine or exposure to a contagious disease when continuing to work might jeopardize the health of others.

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 a scheduled workday. In the event of onset of illness which precludes in-person notification of the supervisor, the employee is responsible for notifying the Department Head by telephone. In the case of Department Heads requesting sick leave, the County Manager shall be notified.

A Department Head or the County Manager may request a doctor's certification or other appropriate proof to substantiate reasons given for use of sick leave. Employees absent or on

sick leave for three consecutive scheduled work days or longer must complete a request form for FMLA leave, if determined to be appropriate by the Personnel Officer.

Rate of Accumulation of Sick Leave

Each regular and probationary/provisional full-time employee, occupying a permanently established budgeted position requiring a basic workweek shall earn sick leave on a monthly basis at the rate of one day for each month worked, for a maximum of 12 total days each completed year of service. Sick leave earned by regular employees having a workweek with greater or fewer hours than the basic workweek shall be determined in accordance with the formula set forth in Section 7 of this Article. The County will not advance sick leave to any employee who has exhausted applicable sick leave.

Department Heads shall notify the Personnel Officer, by or before the 20th day of each month, concerning the date and time of beginning and ending sick leave for members of their departments.

Maximum Accumulation of Sick Leave

Sick leave may be accumulated in unlimited amounts.

Manner of Taking Sick Leave - Exempt Employees

Exempt employees are encouraged to utilize sick leave in units of no less than full day increments.

Verification of Sick Leave

The employee's Department Head or the County Manager may require a statement from an employee's physician, indicating that the employee was unable to report for work so that there will be no abuse of sick leave privileges. Statements will be required for absences in excess of three (3) consecutive scheduled work days. In that event, an employee will also be required to have his or her physician complete an FMLA leave request, as such leave will be designated by the County as FMLA leave, if appropriate. At the expiration of an authorized sick leave, the employee's Department Head or the County Manager may require a physician's statement confirming that the employee is able to resume his or her normal work activities.

Transfer of Sick Leave

Unused sick leave may be transferred from another unit of local government or the State of North Carolina to the County. Amounts transferred shall be verified in writing by the previous employing unit and the transfer must be completed within one year from the employee's date of hire.

Sick Leave (Separation & Retirement Credit)

Sick leave and vacation leave shall run concurrently with any leave taken pursuant to the provisions of the FMLA, as more specifically provided for in Section 8 of this Article. An

employee must exhaust all available paid sick and vacation leave prior to taking unpaid leave pursuant to the FMLA.

At the time of retirement, employees who are members of the North Carolina Local Government Employees Retirement System are allowed one (1) month of retirement credit for each 20 days of accrued sick leave.

Section 7. Calculation of Holiday, Annual Vacation Leave and Sick Leave for Employees Working Other than a Basic Workweek

Holiday leave, annual vacation leave, and sick leave earned by regular employees having a workweek with greater or fewer hours than the basic workweek shall be determined in accordance with the following formula:

(a) The number of hours regularly scheduled for such employees shall be divided by the number of hours in the basic workweek.

(b) The proportion obtained in step (a) shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek who have the same aggregate service time.

(c) The number of hours in Step (b) above, divided by 12, shall be the number of hours of leave earned monthly by such employees.

Section 8. Family and Medical Leave Policy

A family and/or medical leave of absence shall be defined as an approved absence available to eligible employees for up to twelve weeks of unpaid leave per year under particular circumstances that are critical to the life of a family. The leave provided by this section will be implemented in accordance with the general provisions of the Family and Medical Leave Act ("FMLA").

FMLA leave may be taken when the employee is unable to perform the functions of his or her position due to a serious health condition; when the employee is needed to care for a child, spouse or parent with a serious health condition; for the birth of the employee's child; or for the placement of a child with the employee for adoption or foster care.

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves or regular Armed Forces who is deployed to a foreign country may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, or an eligible veteran, who has a serious injury or illness incurred

in the line of duty on active duty (or preexisting injury/illness aggravated in the line of duty) which is severe enough that it may render the servicemember medically unfit to perform his or her duties, and for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

In order to be eligible for leave, an employee must have worked for the County for a total of at least 12 months and must have worked at least 1250 hours during the preceding 12-month period. An eligible employee may be granted a leave of absence with or without pay for up to 12 workweeks by the County Manager. However, where a husband and wife both work for the County the two employees are limited to a combined total of 12 weeks of family leave to cover the time off they need after the birth or placement of a child or to care for a seriously ill parent.

Any benefit to which an employee is entitled pursuant to his or her employment with the County, including sick and vacation leave, will run concurrently with FMLA leave. The County requires that an employee use any accrued sick leave and then any accrued vacation leave during and concurrent with the 12 week Family Medical Leave period. An employee taking family or medical leave must first exhaust all applicable paid leave benefits, after which time the remainder of the family or medical leave period shall be unpaid leave.

When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide reasonable prior notice, and schedule leave so as not to disrupt County operations. The employee shall apply in writing to the County Manager via the Department Head for leave. The County will require written certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent. The certification must contain sufficient information, including the expected duration of absence. An employee must provide certification of the need for leave at the time the employee gives notice of the need for leave, or within 15 calendar days thereafter, or, in the case of unforeseen leave, within 15 calendar days after the leave commences. An employee's failure to provide appropriate certification within fifteen calendar days of the request for leave or the date the leave began may result in the requested leave being delayed or in the absence not being counted as protected FMLA leave.

At its discretion, the County, at its own expense, may require a second medical opinion and periodic re-certification for granting and/or continuation of FMLA leave. If the first and second opinions differ, the County may, at its own expense, require the binding opinion of a third health care provider, approved jointly by the County and the employee.

In case of illness, the employee will be required to report periodically on his or her leave status and intention to return to work. Failure to report at the expiration of a leave of absence, unless an extension has been granted, shall be considered and treated as a voluntary resignation. The County may require a fitness for duty exam and medical statement prior to an employee's return from FMLA leave.

Upon returning to duty after being on FMLA leave, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like benefits, pay, and other conditions of employment. If the employee decides not to return to work, the Department Head should be notified immediately. The Department Head shall report this decision to the County Manager.

Section 9. Family and Medical Leave - Retention and Continuation of Benefits

An employee on FMLA leave will not accrue additional benefits during the unpaid portion of the leave, or accrue hours of service during the unpaid periods of leave, although an employee's FMLA leave time will be counted as continued service for the purposes of retirement and pensions plans. However, an employee is entitled to accrue benefits and hours of service during periods of paid leave.

An employee who is granted an approved leave of absence under this policy is advised to provide for the retention of his or her dependent group insurance coverage by arranging to pay the employee premium contributions during the period of any unpaid absence. In the event the employee does not return to work at the expiration of the leave, the County may recover from the employee the costs of any payment of the employee's share of premiums made to maintain the employee's coverage, unless the failure to return was due to the continuation of the serious health condition of the employee, or the employee's family member, or the serious injury or illness of a covered servicemember which would otherwise entitle the employee to leave under the FMLA or other circumstances beyond the employee's control.

Section 10. Workers' Compensation Leave

Employees are required to report any work related accident or illness immediately to their immediate supervisor. Failure to do so may result in the denial of workers' compensation benefits and disciplinary action.

An employee who must be absent from work due to a work related injury is required to use any available sick leave for the first seven (7) days of his or her absence. Workers' compensation benefits will begin thereafter on accepted claims. However, if an employee is absent 21 or more days, workers' compensation insurance will reimburse the County for the first seven (7) days and the County will credit the employee's leave bank.

Employees on workers' compensation leave are expected to comply with all medical treatment provided, and are expected to accept any medically approved light duty assignment offered to them. The County will address any failure to comply by filing the appropriate motions for compliance and/or to terminate benefits with the North Carolina Industrial Commission.

In the event an employee is unable to return to work during the healing period, he or she may be placed on unpaid leave with the County. This period of unpaid leave will in no event last longer than six months.

Section 11. Military Leave

A military leave shall be defined as a leave to fulfill a required military obligation. The provisions of the Uniformed Services Employment and Reemployment Rights Act ("USERRA") govern military leaves of absence. The provisions of this policy shall apply to all military leaves of absence.

Employees who return to work for the County from military leave are eligible for reinstatement if they give advance written or verbal notice to County of the need for leave, they report to or submit applications for reemployment in a timely manner, they are honorably discharged from military service, and the current military leave of absence combined with all previous military leaves of absence does not exceed five years.

To the extent that otherwise unpaid military leaves of absence are covered under other paid employment benefit plans or policies for any part of the available duration of leave, the employee may use paid vacation leave during the military leave, but is not required to do so.

Each County employee who is a member of the National Guard or Armed Forces Reserves will be allowed up to 10 workdays of partially paid leave for military training each year. During such leave, the employee will receive partial compensation to supplement payment received for such military service up to the amount of the employee's regular salary. If such military training duty is required beyond 10 workdays, the employee shall be eligible to take accumulated annual leave or to be placed on leave without pay status.

Members of the National Guard shall receive leave with partial pay (supplemental payment up to the amount of the employee's regular salary) for periods not to exceed 30 consecutive calendar days each year for required active State duty such as domestic disturbances, disasters, search and rescue operations, and similar activities.

Basic Regulations and Conditions for Military Leave of Absence

To qualify for reinstatement to his or her former position after the military leave has ended, or a position equal in status and pay, the employee must meet all of the following requirements:

- (a) The employee must have been in a non-temporary position prior to receipt of orders.
- (b) The employee must have requested, orally or in writing, a leave of absence to perform military duties, unless doing so was precluded by military necessity or was otherwise impracticable. The request should be accompanied by a copy of the employee's formal orders to report.
- (c) For absences in excess of 30 days, the employee must provide proof that the separation from service was not for dishonorable discharge, or other disqualifying reasons.
- (d) The employee must report to work on the first regularly scheduled work day following completion of qualified military service (and an eight hour break afterwards) in cases where the leave is less than 30 days. Employees requesting reinstatement after leave in duration from 31 to 180 days must do so within 14 days of completing qualified military service. Employees requesting reinstatement after leave in excess of 180 days must do so within 90 days of completing qualified military service. The application deadline is extended up to the point of recovery, or two years (whichever is longer) if the employee is convalescing from a disability incurred or aggravated by the period of military service. Failure to meet these conditions will result in the County considering the employee to have voluntarily resigned without notice.
- (e) The employee must be qualified to perform the duties of his/her former position in order to

be eligible for reinstatement.

In certain circumstances, an employee might not be eligible for reinstatement: for example, when a layoff or reduction in force has affected his or her original position, or when reinstatement imposes an undue hardship on the employer in the case of an employee who has incurred a service-related disability. Other exceptions and exclusions are governed by USERRA.

Status of Employee Benefits during a Leave of Absence

An employee whose military service is for 30 or fewer days may continue health insurance benefits by paying his or her regular contribution to the premium for same, including in pay periods for which no check is received. Any employee who takes military leave which exceeds 30 days may retain his or her own coverage and dependent insurance coverage by arranging to pay his or her premium contributions, for up to 24 months after the absence begins or for the period of service plus time allowed for re-employment, whichever is shorter, at the COBRA rate up to 102% of premium.

Whether taking military leave with or without pay, an employee's vacation and sick leave credits and other benefits shall continue to accrue as if the employee physically remained in active employment with the County during this period and will be restored to an employee's leave banks upon reinstatement. The time spent on military leave counts toward an employee's length of service for the purposes of determining the rate at which employees earn benefits after returning to County service.

Procedures for Completion of Request for Leave of Absence

A written request for leave of absence must be originated by the employee. This form should be completed in detail, signed by the employee, submitted to the immediate supervisor for proper approval, and forwarded to the County Manager. If possible, the form should be submitted 30 days in advance of the effective date of the leave. A leave request must be completed when an employee is out of work for more than one week.

Section 12. Civil Leave

A County employee called for jury duty or subpoenaed for work-related reasons is entitled to leave with pay for the period of absence required for such duty. Additionally, a County employee either subpoenaed or attending court at the request of County management regarding County related business will be paid for hours served. He or she is entitled to regular compensation and is also entitled to keep any fees or reimbursements received for such jury or other witness duty. While an employee is on leave for such jury duty or court service on County business, his or her benefits and leave shall accrue as though the employee were actively performing employment duties. An employee will not receive pay to attend a trial in which he or she is a plaintiff or defendant, or is serving as an expert witness.

If an employee receives a notice to report for jury duty or court on a day that the employee is scheduled to work, the employee should notify the Department Head at once so that coverage may be provided during the employee's absence. Hourly employees are expected to call in each day when they are released from jury duty for the day and inform their supervisor (or someone designated by their supervisor) what time of day they were released

and if and when they must next report for jury duty. Such employees are expected to return to work if requested by their supervisor, and failure to do so may serve as basis for disciplinary action.

Employees attending court voluntarily or for non-County business will not be paid for work hours missed due to such attendance, and must use accrued vacation time for any related absences.

Section 13. Leave for Children's School Activities

The County shall grant a total of four hours per year to an employee who is a parent or guardian of a school-aged child so that the employee may attend or be involved at the child's school. Leave under this section is subject to the following conditions:

- (a) The leave shall be taken at a time mutually agreed upon by the employee and his or her Department Head, or, for Department Heads, by the Department Head and the County Manager;
- (b) The employee will provide advance notice of at least 48 hours; and
- (c) If requested, the employee will provide written or other appropriate verification concerning the basis for the leave request.

Any exceptions to these requirements will be made at the discretion of the County Manager. Leave taken under these provisions will be considered and treated as unpaid leave, although an employee may use accrued vacation time, if applicable, for this leave.

Section 14. Educational Leave of Absence

A leave of absence or educational leave without pay may be granted to an employee who wishes to pursue a formal course of study:

- (a) in the same or a related field as their current position, which would better equip the employee to perform his or her employment duties;
- (b) in a management or administrative course of study which could prepare the employee for a supervisory or management position in their current area of work expertise;
- (c) the completion of which would enable the employee to be qualified to perform the duties of a different job within the County, for which the County has a need; or
- (d) the completion of which would otherwise provide an identifiable benefit to the County.

Any such leave of absence will be granted only with County approval, and only at a time mutually agreed upon by the County and the employee. Only employees who have completed two years of continuous service prior to the date the requested leave is to begin are eligible. No educational leave shall be granted in excess of six months.

All requests for educational leave shall be first made to the employee's Department Head by providing the following:

- (a) Written identification of the employee's career goals and how the requested leave would contribute to these goals;

- (b) the employee's plan of study, including courses completed and planned; and
- (c) an executed Request for Educational Leave Form.

The Department Head will then forward the request, along with his or her recommendation regarding whether the leave should be granted, to the County Manager. The County Manager shall review and materials and consult with the Department Head regarding:

- (a) the specific nature and purpose of the requested leave;
- (b) the anticipated impact of the leave on the normal operations of the employee's department; and
- (c) any and all potential benefits to be realized by the County upon the employee's return to service after such leave.

The County Manager shall then consult with the County Board of Commissioners, and shall provide all written materials and report all issues discussed with the Department Head.

An employee may also request a reduction in his or her regular work schedule to pursue some type of higher education or training. In the event the leave is granted to a salaried employee, he or she shall earn only a pro-rata share of his or her previous salary, based on the number of hours worked. An hourly employee will receive payment for the reduced number of hours worked. If the requested partial leave period is less than 12 months, then all benefits other than salary or wages will continue as if the employee were still working at his or her prior full-time position. If the requested partial leave period is in excess of 12 months, or indefinitely, all benefits associated with employment shall accrue according to the new status of the employee as a part time employee.

In the event leave is tentatively approved, the employee will be required to enter into a contract with the County. Employees taking full leave will agree to return to County service at the expiration of such leave for a period of twice the length of the leave, in addition to other specific requirements. In exchange, the County will agree to continue the employment and all benefits, except the wages and/or salary, during the leave. An employee who has received partial leave/reduction of hours must agree to return to full time County service at the expiration of such leave for a period of time not to exceed the partial leave period. The County will agree, upon expiration of educational leave, to try and return the employee to a position for which pay and classification is equal to or greater than the employee's position prior to the leave, although the County will have no obligation to do so and nothing about such an agreement will affect the at-will status of the employment relationship with the County.

Prior to requesting additional educational leave, an employee returning from leave must fulfill his contractual requirements. He or she must also present proof of successful completion of the prior course of study, unless there were extenuating circumstances excusing such failure.

An employee may receive compensation and/or monetary awards or grants from any other state or federal program during educational leave without pay from the County.

This policy does not apply to education which is a requirement of continued employment. An employee requesting leave to pursue required formal education, other than job-related training, shall give his Department Head and the County Manager notice of the need for leave, and then make such a request for leave directly to the Board of Commissioners.

Section 15. Leave Without Pay

A full-time employee with one year or more of service may be granted a leave of absence without pay for a period of up to 30 days by the County Manager. The leave shall be used for reasons of personal disability after sick leave, annual leave, Family and Medical Leave, and workers' compensation leave have been exhausted; sickness or disability of immediate family members after sick leave, annual leave, and Family and Medical Leave have been exhausted; 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. While taking leave without pay, the employee's leave credits and other benefits cease. The employee is responsible for paying the full cost of health insurance and any other insurance premiums. During the period of Leave Without Pay, benefits will be suspended and an employee will not accrue service hours for longevity pay or retirement.

The employee shall apply in writing to the Department Head for leave, who must recommend the leave to the County Manager prior to the employee being eligible. The Department Head should only recommend the leave if the employee's job duties can be fulfilled during the absence using existing resources. The employee is obligated to return to duty within or at the end of the leave time determined appropriate by the County Manager. 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 16. Objectives of Benefit Program

The Benefit Program is designed to provide financial protection for employees and their families and thereby enhance the County's ability to attract qualified, loyal employees who will provide positive and effective work performance.

Section 17. Benefits Required by Law

The following is a list of benefits offered by Pamlico County which are required by law:

- (a) Workers' Compensation Insurance
- (b) Unemployment Compensation
- (c) Social Security
- (d) Retirement (if employee satisfies all eligibility requirements)

Section 18. Insurance Benefits

The County provides employee health insurance and workers' compensation benefits. Beginning July 1, 2005, the County will pay 100% of each eligible employee's individual health care premium. The employee must pay for 100% of dependent coverage premiums.

The County may make other group insurance plans available for its employees upon authorization of the Board of Commissioners.

Solicitation of employees by insurance representatives during working hours is prohibited. Servicing of accounts by representatives of companies already authorized for payroll deduction is permitted at times approved by the Department Head.

Section 19. Unemployment Insurance

In accordance with the North Carolina General Statutes, local County employees are covered by unemployment insurance. County employees who are laid off or released from County service may apply for unemployment insurance compensation through the local office of the Employment Security Commission ("ESC"). The ESC will determine the employee's eligibility for benefits.

Section 20. Social Security and Old Age and Survivor's Insurance

The Federal Social Security Program provides certain Old-Age and Survivor Benefits for eligible wage earners. The funds necessary for the program are collected both from the employees and from the County. Under the law, the County is required to deduct the worker's share from his paycheck, match this, and pay the total into the Federal Treasury. Benefits are paid to the employee or his heirs by the Federal Government.

Section 21. Retirement Benefits

The County provides a retirement program for employees through the North Carolina Local Governmental Employees' Retirement System and the Law Enforcement Officers' Benefits and Retirement Fund. Upon satisfactory completion of the provisional or probationary period, a new employee shall be required to join the County retirement plans.

For employees hired before December 31, 2016 and with an effective retirement date after January 14, 2017, the County will make contributions to cover the costs of County health insurance premiums for eligible retirees. In order to be eligible for this payment, the employees must have had five years of continuous service with Pamlico County prior to retirement, and must be eligible to retire under the North Carolina Local Government Employees' Retirement System. The County will select the provider and will pay 2% of eligible retirees' health insurance premiums for each year of the retiree's County service, until the retiree becomes eligible for Medicare. For example, if a retiree has had 10 years of service with the County, the County will pay 20% of his or her health insurance premiums until he or she becomes Medicare eligible. Employees opting to retire before reaching eligibility under the North Carolina Local Government Employees' Retirement System are not eligible for this payment.

Reimbursement will be made based on the approved policy offering the coverage most substantially equivalent to the coverage offered by the County health insurance plan then in effect. Despite this maximum reimbursement amount, a retiree may elect more favorable coverage (than that offered by the County health plan) at his or her sole expense.

Employees of the County with an effective employment date after December 31, 2016 will not be eligible for retiree health insurance benefits and the County will not contribute any amount toward payment of their respective health insurance premiums after retirement with the County.

Section 22. Additional Benefits

The following benefits may be provided for or made available to regular full time employees on the basis of amount of time worked:

- | | | |
|-----|---|------------------|
| (a) | *Health Insurance | Paid by County |
| (b) | *Hospitalization Insurance | Paid by County |
| (c) | *Dental Insurance | Paid by County |
| (d) | *Life Insurance | Paid by County |
| (e) | AD & D Insurance | Paid by County |
| (f) | *Cancer Insurance | Paid by employee |
| (g) | *Accident Insurance | Paid by employee |
| (h) | *Annual Vacation | Paid by County |
| (i) | *Annual Sick Leave | Paid by County |
| (j) | *Holidays | Paid by County |
| (k) | *Deferred Compensation | Paid by employee |
| (l) | *401K | |
| (m) | *Cafeteria Plan for eligible health insurance premium - | Paid by employee |

*Temporary employees and part-time employees should consult the Personnel Officer for a description of benefits available to them.

ARTICLE VII. SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT

Section 1. Types of Separation

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, retirement, termination or death.

Section 2. Resignation

A minimum of at least two weeks notice is expected of all resigning personnel. To the extent feasible, notice of four weeks is desirable. Such notice should be given to the Department Head or, in the case of Department Heads, to the County Manager.

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

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 past performance, organizational needs, and seniority in determining those employees to be retained. Employees who are laid off because of a reduction in force shall be given at least two weeks notice of the anticipated layoff. No regular

employee shall be separated while there are temporary employees serving in the same class in the same department, unless the regular employee is not willing to transfer to the position held by the temporary employee.

Local government employees subject to the State Personnel Act will be governed by the Reduction in Force Policy outlined in the Personnel Policies for Local Government Employment Subject to the State Personnel Act.

Section 4. Disability

The County is committed to hiring and retaining the most qualified individuals, without regard to disability. An employee's request for an accommodation due to a disability should be supported by competent medical certification. The County may require an examination, at the County's expense, to be performed by a physician of the County's choice. An employee may be separated for disability when, even with a reasonable accommodation, the employee cannot perform the essential duties required by a job because of a physical or mental disability. However, before an employee is separated for disability, a reasonable effort shall be made to accommodate the employee with regard to performing essential job duties, including attempting to locate alternative positions within the County's service for which the employee may be suited.

Section 5. Retirement

An employee may retire when he or she is eligible and applies for immediate retirement benefits from the North Carolina Local Government Employees Retirement System or Law Enforcement Officers' Retirement System. At the time of retirement, employees are paid in a lump sum for accumulated vacation leave.

Section 6. Death

All compensation due will be paid to the estate of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

Section 7. Disciplinary Action: General County Employees

When a General County employee has violated a policy or is not meeting performance standards, the supervisor may apply appropriate corrective disciplinary action, which may include a verbal warning, a written warning, suspension, or termination, depending on the severity and/or frequency of the event. Any of these measures, up to and including termination, may be applied at any phase of the disciplinary process. Supervisors, with approval from the Personnel Officer, can modify the above schedule of discipline outlined in this Policy to reflect mitigating circumstances, the employee's seniority, or the employee's past record. Modifications can include additional warnings, demotion, or accelerated discipline, as appropriate.

The following causes relating to failure in the performance of job duties are representative, but not exhaustive, of those considered to be adequate grounds for reprimand, suspension, demotion or dismissal:

- (a) Inefficiency, negligence or incompetence in the performance of job duties;

- (b) Careless, negligent or improper use of County property or equipment;
- (c) Physical or mental incapacity to perform essential job duties with reasonable accommodation;
- (d) Discourteous treatment of the public or other employees;
- (e) Absence without approved leave;
- (f) Habitual improper use of leave privileges;
- (g) Habitual pattern of failure to report for duty at the assigned time and place;
- (h) Fraud in securing appointment;
- (i) Conduct or behavior unbecoming a public officer or employee while on or off duty;
- (j) Conviction of a felony or of a misdemeanor which would adversely affect performance of duties, or entry of a plea of "no contest" to either;
- (k) Misappropriation of County funds or property;
- (l) Falsification of County records for personal profit or to gain special privileges;
- (m) Reporting to work under the influence of alcohol or illegal drugs or partaking of alcohol or illegal drugs while on duty or otherwise illegally;
- (n) Willful damage or destruction of property;
- (o) Willful acts that would endanger the lives and property of others;
- (p) Acceptance of gifts in exchange for "favors" or "influence";
- (q) Incompatible outside employment or conflict of interest;
- (r) Violation of political activity restrictions;
- (s) Insubordination or willful disobedience; or
- (t) Absence from work after all authorized leave credits have been exhausted.

The County's relationship with General County employees is one of employment at will. The standards of employee conduct presented and this disciplinary action policy above in no manner detract from the County's right to reprimand, suspend, demote, or dismiss General County employees with or without notice, and with or without cause.

Section 8. Immediate Suspension/Non-Disciplinary Suspension: General County Employees

Immediate Suspension

A General County employee may be immediately suspended by the County Manager, upon recommendation by the Department Head, for causes related to unacceptable personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. Under such circumstances, the employee shall be told to leave County property at once and remain away until further notice.

After investigation, if the employee is thereafter returned to active employment without imposition of discipline, the suspension shall be treated as a non-disciplinary suspension and the employee shall be entitled to receive pay and benefits for the suspension period.

Non-Disciplinary Suspension (Potential Future Disciplinary Action)

During the investigation, hearing or trial of an employee on any criminal charge or during the course of civil action involving an employee, or when suspension would be in the best

interest of the employee or the County, the Department Head may suspend the employee, without pay, for the duration of the proceeding as a non-disciplinary action. Full recovery of pay and benefits for the period of non-disciplinary suspension may be authorized by the Board of Commissioners, if the suspension is terminated with full reinstatement of the employee.

Section 9. Dismissal - General County Employees

All dismissals of General County Employees who have obtained regular status shall be preceded by suspension without pay of not more than three work days, pending completion of an investigation by the appointing authority or the County Manager. If the appointing authority or the County Manager determines that a dismissal action is appropriate, such dismissal shall be effective at the end of the three day suspension. If a dismissal is made at the end of this period, a written summary giving the circumstances and facts leading to the dismissal shall be prepared. A copy of the summary shall be delivered to the employee by certified mail and one copy shall be filed in the employee's personnel file.

Section 10. Disciplinary Actions: Local Government Employees Subject to the State Personnel Act

APPLICABILITY

This Section does not apply to General County employees.

For the purposes of this policy, "career State employee" means a State employee or an employee of the County who is covered by the State Personnel Act ("SPA") who:

(1) is in a permanent position appointment; and

(2) has been continuously employed by the State of North Carolina or a local entity as provided in the SPA in a position subject to the State Personnel Act for the immediate 24 preceding months. Positions subject to the SPA include area mental health, developmental disabilities, and substance abuse authorities; local social services departments; county health departments; local emergency management agencies that received federal grant-in-aid funds; and other employees as may be designated by the County Board of Commissioners.

10(a) Disciplinary Actions Up to and Including Dismissal: Local Government Permanent and Probationary Employees Subject to the State Personnel Act

All dismissals of permanent Local Government employees Subject to the State Personnel Act shall be implemented in accordance with the State Personnel Act. The County Manager and the Personnel Office shall be provided with copies of all documents pertaining to any such dismissal action.

At any time during a probationary period an employee may be separated from service for causes related to performance of duties or for personal conduct detrimental to the agency without right of appeal or hearing. The employee must be given notice of dismissal, including the reasons therefore.

10(b) Just Cause For Disciplinary Action: Local Government Employees Subject to the State Personnel Act

(a) Any employee, regardless of occupation, position, or profession may be warned, demoted, suspended or dismissed by the appointing authority. Such actions may be taken against employees with career status only for just cause. The degree and type of action taken shall be based upon the judgment of the appointing authority in accordance with the provisions of this Rule. When just cause exists the only disciplinary actions provided for under this Section are:

- (1) Written warning;
- (2) Disciplinary suspension without pay;
- (3) Demotion; and
- (4) Dismissal.

(b) At any time during the period prior to achieving career status, including during the probationary period, an employee may be separated from service for causes related to performance of duties or for personal conduct detrimental to the agency without right of appeal or hearing. The employee must be given notice of dismissal, including reasons. Such notice may be, but is not required to be, in writing.

(c) There are two bases for the discipline or dismissal of employees under the statutory standard of "just cause." These two bases are:

- (1) Discipline or dismissal imposed on the basis of unsatisfactory job performance, including grossly inefficient job performance.
- (2) Discipline or dismissal imposed on the basis of unacceptable personal conduct.

(d) Either unsatisfactory or grossly inefficient job performance or unacceptable personal conduct constitutes just cause for discipline or dismissal. The categories are not mutually exclusive, as certain actions by employees may fall into both categories, depending upon the facts of each case. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.

(e) The imposition of any disciplinary action shall comply with the procedural requirements of this Section.

10(c) Dismissal for Unsatisfactory Performance of Job Duties: Local Government Employees Subject to the State Personnel Act

(a) Unsatisfactory Job Performance is work related performance that fails to satisfactorily meet job requirements as specified in the relevant job description, work plan or as directed by the management of the work unit or agency.

(b) The intent of this Section is to assist and promote improved employee performance, rather than to punish. This Rule covers all types of performance-related inadequacies. This Section does not require that successive disciplinary actions all concern the same type of unsatisfactory performance. Disciplinary actions related to personal conduct may be included in the successive system for performance-related dismissal provided that the employee receives at least the number of disciplinary actions, regardless of the basis of the disciplinary actions, required for dismissal on the basis of inadequate performance. Disciplinary actions administered under this Section are intended to bring about a permanent improvement in job performance. Should the required improvement later deteriorate, or other inadequacies occur, the supervisor may deal with this new unsatisfactory performance with further disciplinary action.

(c) In order to be dismissed for a current incident of unsatisfactory job performance, an employee must first receive at least two prior disciplinary actions: First, one or more written warnings, followed by a warning or other disciplinary action which notifies the employee that failure to make the required performance improvements may result in dismissal.

(d) Prior to the decision to dismiss an employee, the agency director or designated management representative must conduct a pre-dismissal conference with the employee in accordance with the procedural requirements of the Section.

(e) An employee who is dismissed must receive written notice of the specific reasons for the dismissal as well as notice of any applicable appeal rights.

(f) Failure to give specific written reasons for the dismissal, failure to give written notice of applicable appeal rights, or failure to conduct a pre-dismissal conference constitute procedural violations with remedies as provided for in 25 NCAC 1B .0432. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights.

An employee whose work is unsatisfactory over a period of time should be notified by his or her supervisor or by the Department Head concerning the way or ways in which the employee's work is deficient and what must be done if the work is to be satisfactory.

The supervisor and the Department Head should record the dates of their discussions with the employee, the performance deficiencies discussed and corrective actions recommended, the time frame within which the employee must make the required improvements, and the consequences of failing to make the required improvements, and must file this information in the employee's personnel file. The County Manager shall be advised concerning any disciplinary action taken with regard to any employee.

The following causes relating to failure in the performance of job duties are representative, but not exhaustive, of those considered to be adequate grounds for reprimand, suspension, demotion or dismissal of an employee with permanent status:

- (a) Inefficiency, negligence or incompetence in the performance of job duties;
- (b) Careless, negligent or improper use of County property or equipment;
- (c) Physical or mental incapacity to perform essential job duties with reasonable accommodation;
- (d) Discourteous treatment of the public or other employees;
- (e) Absence without approved leave;

- (f) Habitual improper use of leave privileges; and
- (g) Habitual pattern of failure to report for duty at the assigned time and place.

10(d) Dismissal for Grossly Inefficient Job Performance/Egregious Failure of Duty: Local Government Employees Subject to the State Personnel Act

(a) Gross Inefficiency (grossly inefficient job performance) occurs in instances in which the employee fails to satisfactorily perform job requirements as specified in the job description, work plan, or as directed by the management of the work unit or agency and that failure results in:

- (1) the creation of the potential for death or serious harm to a client(s), an employee(s), members of the public or to a person(s) over whom the employee has responsibility; or
- (2) the loss of or damage to agency property or funds that result in a serious impact on the agency or work unit.

(b) Dismissal on the basis of grossly inefficient job performance is administered in the same manner as for unacceptable personal conduct. Employees may be dismissed on the basis of a current incident of grossly inefficient job performance without any prior disciplinary action.

(c) Prior to dismissal of an employee with permanent status on the basis of grossly inefficient job performance, there shall be a pre-dismissal conference between the employee and the agency director or designated management representative. This conference shall be held in accordance with the provisions of the SPA.

(d) Dismissal for grossly inefficient job performance requires written notification to the employee. Such notification must include specific reasons for the dismissal and notice of the employee's right of appeal.

(e) Failure to give specific written reasons for the dismissal, failure to give written notice of applicable appeal rights, or failure to conduct a pre-dismissal conference constitute procedural violations with remedies as provided for by the SPA. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights.

10(e) Dismissal For Personal Conduct: Local Government Employees Subject to the State Personnel Act

(a) Employees may be dismissed for a current incident of unacceptable personal conduct. An employee may be warned, suspended, demoted or dismissed for causes relating to personal conduct which is detrimental to County service (1) in order to avoid undue disruption of work, (2) to protect the safety of persons or property, or (3) for other serious reasons, including the egregious failure of duties. An employee may be reprimanded, suspended, demoted or dismissed for reasons of unacceptable personal conduct or grossly inefficient job performance without prior warning or disciplinary action having been given to the employee.

(b) Unacceptable personal conduct includes, but is not limited to:

- (1) conduct for which no reasonable person should expect to receive prior warning;
- (2) job related conduct which constitutes violation of state or federal law;
- (3) conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the agency, or entry of a plea of "no contest" to either;
- (4) the willful violation of known or written work rules;
- (5) conduct unbecoming an employee that is detrimental to the County's or agency's service;
- (6) the abuse of client(s), patient(s), student(s) or a person(s) over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned or in the custody of the agency;
- (7) falsification of an employment application or other employment documentation;
- (8) insubordination which is the willful failure or refusal to carry out a reasonable order from an authorized supervisor. Insubordination is considered unacceptable personal conduct for which any level of discipline, including dismissal, may be imposed without prior warning;
- (9) absence from work after all authorized leave credits and benefits have been exhausted;
- (10) fraud in securing appointment;
- (11) misappropriation of County funds or property;
- (12) reporting to work under the influence of alcohol or illegal drugs or partaking of alcohol or illegal drugs while on duty or otherwise illegally;
- (13) willful damage or destruction of property;
- (14) willful acts that would endanger the lives and property of others;
- (15) acceptance of gifts in exchange for "favors" or "influence";
- (16) incompatible outside employment or conflict of interest; and
- (17) violation of political activity restrictions.

(c) Prior to dismissal of an employee with permanent status on the basis of unacceptable personal conduct, there shall be a pre-dismissal conference between the employee and the

agency director or designated management representative. This conference shall be held in accordance with the provisions of the SPA.

(d) Dismissals for unacceptable job performance require written notification to the employee. Such notification must include specific reasons for the dismissal and notice of the employee's right of appeal.

(e) Failure to give specific written reasons for the dismissal, failure to give written notice of applicable appeal rights, or failure to conduct a pre-dismissal conference constitute procedural violations with remedies as provided for in the SPA. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights.

10(f) Written Warning: Local Government Employees Subject to the State Personnel Act

(a) The supervisor shall monitor and promote the satisfactory performance of work assignments and acceptable standards of personal conduct. All types of performance-related job inadequacies may constitute unsatisfactory job performance under this Section. Unacceptable personal conduct may be work-related or non-work-related conduct and may be intentional or unintentional. When the supervisor determines that disciplinary action is appropriate for unsatisfactory job performance, a written warning is the first type of disciplinary action that an employee must receive. The supervisor may elect to issue a written warning for grossly inefficient job performance or unacceptable personal conduct. The written warning must:

- (1) Inform the employee that this is a written warning, and not some other non-disciplinary process such as counseling;
- (2) Inform the employee of the specific issues that are the basis for the warning;
- (3) Tell the employee what specific improvements, if applicable, must be made to address these specific issues;
- (4) Tell the employee the time frame allowed for making the required improvements/corrections. Absent a specified time frame, 60 days is the time frame allowed for correcting unsatisfactory job performance. Immediate correction is required for grossly inefficient job performance or unacceptable personal conduct; and
- (5) Tell the employee the consequences of failing to make the required improvements/corrections.

(b) A written warning must be issued in accordance with the procedural requirements of this Section, and must include any applicable appeal rights.

10(g) Disciplinary Suspension Without Pay: Local Government Employees Subject to the State Personnel Act

(a) An employee may be suspended without pay for disciplinary purposes for unsatisfactory job performance after the receipt of at least one prior disciplinary action or for causes relating to any

form of unacceptable personal conduct or grossly inefficient job performance. A disciplinary suspension without pay for an employee who is subject to the overtime compensation provisions of the FLSA must be for at least one full day, but not more than two full work weeks. Prior to placing any employee on disciplinary suspension without pay the agency director or designated management representative shall conduct a pre-suspension conference with the employee in accordance with the procedural requirements of this Section. An employee who has been suspended without pay must be furnished a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension and the employee's appeal rights. The length of a disciplinary suspension without pay for an employee who is exempt from the overtime compensation provisions of the FLSA must be for at least one or more full days, but not more than two full work weeks.

(b) An agency may impose the same periods of disciplinary suspension without pay for all employees as long as the period is the same as for employees exempt from the overtime provisions of the FLSA as set forth in this Section.

10(h) Demotion: Local Government Employees Subject to the State Personnel Act

(a) Any employee may be demoted as a disciplinary measure. Demotion may be made on the basis of either unsatisfactory or grossly inefficient job performance or unacceptable personal conduct.

(b) Unsatisfactory Job Performance. An employee may be demoted for unsatisfactory job performance after the employee has received at least one prior disciplinary action.

(c) Grossly Inefficient Job Performance. An employee may be demoted for grossly inefficient job performance without any prior disciplinary action.

(d) Personal Conduct. An employee may be demoted for unacceptable personal conduct without any prior disciplinary action.

(e) An employee who is demoted must receive written notice of the specific reasons for the demotion, as well as notice of any applicable appeal rights.

(f) Disciplinary demotions may be accomplished in three ways:

- (1) The employee may be demoted to a lower pay grade with a reduction in salary rate as long as the new salary rate does not exceed the maximum of the salary range for the new lower pay grade;
- (2) The employee may be demoted to a lower pay grade without a reduction in salary rate as long as the new salary rate does not exceed the maximum of the salary range for the new lower pay grade; or
- (3) The employee may be demoted while retaining the same pay grade with a reduction in salary rate. In no event shall an employee's salary rate be reduced to less than the minimum salary rate for the applicable pay grade or the special entry rate, if in effect.

(g) Prior to the decision to demote an employee for disciplinary reasons, the agency director or designated management representative must conduct a pre-demotion conference with the employee in accordance with the procedural requirements of this Section. Advance oral or written notice of the appropriate pre-disciplinary conference shall be given to the employee of the time, location, and the issue for which discipline has been recommended. An employee who is demoted must receive written notice of the specific reasons for the demotion, as well as notice of any applicable appeal rights.

10(i) Pre-Disciplinary or Pre-Dismissal Notice and Procedure Requirements: Local Government Employees Subject to the State Personnel Act

The following procedural requirements must be followed to issue disciplinary action under this Section:

(1) WRITTEN WARNING - to issue a written warning to an employee a supervisor must issue the employee a written warning, detailing the matters referenced in the Written Warning Section herein and including any applicable appeal rights.

(2) DISCIPLINARY SUSPENSION WITHOUT PAY - to place an employee on disciplinary suspension without pay, the agency director or designated management representative must comply with the following procedural requirements:

(a) In matters of unsatisfactory job performance, ensure that the employee has received at least one prior disciplinary action. In matters of grossly inefficient job performance or unacceptable personal conduct no prior disciplinary actions are required so an employee may be suspended without pay for a current incident of grossly inefficient job performance or unacceptable personal conduct;

(b) Schedule and conduct a pre-suspension conference. Advance oral or written notice of the disciplinary conference must be given to the employee of the time, location, and the issue for which discipline has been recommended. The amount of advance notice shall be as much as is practical under the circumstances, but in no event less than two hours;

(c) Furnish the employee a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension;

(d) Advise the employee of any applicable appeal rights in the document affecting the suspension.

(3) DEMOTION - to demote an employee the agency director or designated management representative must comply with the following procedural requirements:

(a) In matters of unsatisfactory job performance, ensure that the employee has received at least one prior disciplinary action;

(b) In matters of grossly inefficient job performance or unacceptable personal conduct, there is no requirement for previous disciplinary action, so an employee may be

demoted for a current incident of grossly inefficient job performance or unacceptable personal conduct without any prior disciplinary action;

(c) Give an advance oral or written notice of the pre-disciplinary conference to the employee of the time, location, and the issue for which discipline has been recommended. The amount of advance notice shall be as much as is practical under the circumstances, but no less than two hours;

(d) Give an employee who is demoted written notice of the specific acts or omissions that are the reasons for the demotion;

(e) Advise the employee of how and to what extent the demotion will affect the employee's salary rate or pay grade; and

(f) Advise the employee of any applicable appeal rights in the document affecting the demotion.

(4) DISMISSAL-Before an employee may be dismissed, an agency must comply with the following procedural requirements:

(a) The supervisor recommending dismissal shall discuss the recommendation with the agency director or designated management representative who shall conduct a pre-dismissal conference with the employee. The person conducting the pre-dismissal conference must have the authority to decide what, if any, disciplinary action shall be imposed on the employee.

(b) The supervisor or designated management representative shall schedule a pre-dismissal conference with the employee.

(c) Advance oral or written notice of the pre-disciplinary conference shall be given to the employee of the time, location, and the issue for which discipline has been recommended. The amount of advance notice shall be as much as is practical under the circumstances, but no less than two hours.

(d) The agency director or designated management representative shall conduct a pre-dismissal conference with the employee, limiting attendance to the employee and the person conducting the conference; a second management representative may be present at management's discretion. The purpose of the pre-dismissal conference is to review the recommendation for dismissal with the affected employee and to listen to and to consider any information put forth by the employee, in order to ensure that a dismissal decision is sound and not based on misinformation or mistake. Security personnel may be present when, in the discretion of the person conducting the conference, a need for security exists. No attorney representing either side may attend the conference.

(e) In the conference, management shall give the employee oral or written notice of the recommendation for dismissal, including specific reasons for the proposed dismissal and a summary of the information supporting that recommendation. The employee shall have an opportunity to respond to the proposed dismissal action and to offer information or

arguments in support of the employee's position. Every effort shall be made by management to assure that the employee has a full opportunity during the conference to set forth any available information in opposition to the recommendation to dismiss prior to the end of the conference. This opportunity does not include the option to present witnesses.

(f) Following the conference, management shall review and consider the response of the employee and reach a decision on the proposed recommendation. If management's decision is to dismiss the employee, a written letter of dismissal containing the specific reasons for dismissal, the effective date of the dismissal and the employee's appeal rights shall be issued to the employee in person or by certified mail, return receipt requested, to the last known address of the employee. To minimize the risk of dismissal upon erroneous information, and to allow time following the conference for management to review all necessary information, the decision to dismiss shall not be communicated to the employee prior to the beginning of the next business day following the conclusion of the pre-dismissal conference or after the end of the second business day following the completion of the pre-dismissal conference.

(g) The effective date of a dismissal for unsatisfactory job performance shall be determined by management. An employee with permanent status who is dismissed for unsatisfactory job performance may, at management's discretion, be given up to two weeks working notice of his dismissal. Instead of providing up to two weeks working notice and at the discretion of management an employee may be given up to two weeks pay in lieu of working notice. Such working notice or pay in lieu of notice is applicable only to dismissal for unsatisfactory job performance. The effective date of the dismissal shall not be earlier than the letter of dismissal nor more than 14 calendar days after the notice of dismissal.

10(j) Investigatory Suspension: Local Government Employees Subject to the State Personnel Act

Investigatory suspension with pay may be used to temporarily remove an employee from work status, and is not a disciplinary action. Investigatory suspension with pay may be appropriately used to provide time to schedule and hold a pre-dismissal conference, to avoid disruption of the workplace and protect the safety of persons and property, to investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action.

Management must notify the employee in writing of the reasons for investigatory placement no later than the second scheduled work day after the beginning of the placement. An investigatory suspension with pay shall not exceed thirty (30) calendar days. However, the County Manager and the State Personnel Director may extend the duration of an investigatory suspension without pay for an additional thirty (30) calendar days if the matter is being investigated by law enforcement and the investigation is not complete; or management individuals or other individuals from whom information is necessary are temporarily unavailable. When an extension beyond the thirty day period is required, the employee must be informed, in writing, concerning the extension, the length of the extension, and the specific reasons for the extension.

If no action has been taken by management by the end of 30 calendar days, and no extension has been made, one of the following must occur:

- (a) Appropriate disciplinary action, based on the results of the investigation, must be taken; or
- (b) The employee must be returned to active work status.

Investigatory suspension of an employee shall not be used for the purpose of delaying an administrative decision relating to an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

Section 11. Employee Appeal

A General County Employee who wishes to appeal a demotion, suspension, or dismissal may present the matter in accordance with the provisions of the Grievance Procedure prescribed in Article VIII of these personnel policies. This section shall also apply to eligible Local Government Employees subject to the State Personnel Act, despite any appeal rights which may be available through their agency and otherwise pursuant to the State Personnel Act.

Section 12. Rehire

An employee who resigns while in good standing or who is separated because of reduction in force may be rehired with the approval of the Department Head, the County Manager, and, in the case of Local Government Employees subject to the State Personnel Act, in accordance with the Personnel Policies for Local Government Employees Subject to The State Personnel Act. Persons subject to the State Personnel Act being rehired after leaving employment in a subject position, and employees voluntarily accepting promotions, transfers or demotions from another county, social services department, mental health program, district health program or emergency management program may be required to serve a provisional or probationary period in the new County position.

ARTICLE VIII. GRIEVANCE PROCEDURE

Section 1. Purpose

The Grievance Procedure outlined in this Article establishes policies and procedures in employment and personnel management which provide for adequate and fair consideration of grievances without regard to an individual employee's race, color, religion, sex, national origin, political affiliation, non-disqualifying handicap, or age, where the grievance is based upon alleged denial of equal employment opportunity or discrimination, or for any other grievance or complaint made pursuant to this policy.

Section 2. Coverage

This grievance procedure applies to General County Employees and all County employees subject to the State Personnel Act pursuant to N.C. Gen. Stat. §126-1.1.

A grievance is defined as any matter arising under N.C. Gen. Stat. §126-34.1 or other matter of concern or dissatisfaction arising from the working conditions of a County Employee. Although any grievance may be addressed through the Grievance Procedure set forth herein, when the grievance arises under N.C. Gen. Stat. §126-34.1, including illegal discrimination or retaliation, County Employees subject to the SPA may file their grievance directly with the State Personnel Commission (“SPC”) in accordance with the North Carolina Administrative Procedures Act (“APA”), set forth in Section 10 below.

Section 3. Policy

Every County Employee covered by the policy shall have the right to present a grievance in accordance with these procedures, and free from interference, coercion, restraint, discrimination, penalty or reprisal. This includes any cause for dissatisfaction outside the employee's control or anything connected with his or her job which he or she believes or feels is wrong.

Section 4. Leave in Connection With Grievances

General County employees shall be allowed time off from their regular job duties, as may be necessary and reasonable, as determined by the Department Head or the County Manager, for processing a grievance under these procedures without loss of pay, loss of vacation or loss of other time credits.

Employees subject to the SPA shall be allowed time off from regular duties as may be necessary and reasonable up to a maximum of eight hours for the preparation of an internal grievance under the procedures adopted within the agency without loss of pay, vacation leave or other time credits. Necessary and reasonable time for participation in contested case hearings and other administrative proceedings outside the agency in connection with employment, as a party, shall be granted upon request to the employee's supervisor or personnel officer without loss of pay, vacation leave or other time credits. Management may require prior official notice of the scheduling of and documentation by the presiding official or designee of the time the employee spent in attendance at these administrative proceedings.

Section 5. Objectives

The objectives of the procedures outlined in this Article include, but are not limited to, the following:

- (a) To provide employees with a means for having their complaints considered in an expeditious and fair manner and without fear of reprisal;
- (b) To encourage employees to express themselves regarding their beliefs and feelings relating to their work conditions and other matters which affect them as employees;
- (c) To provide better understanding concerning policies, practices, and procedures which affect employees;
- (d) To provide Department Heads with greater opportunity to exercise proper responsibility in dealing with employees and to improve their effectiveness in implementing established policies;

- (e) To encourage employees to perform job responsibilities in an effective and satisfactory manner.

Section 6. Department Head Responsibilities

The County Manager shall assign to Department Heads duties regarding coordination of activities relating to processing of grievance procedures in individual departments. The Department Head shall be responsible for duties which include, but are not limited to, the following:

- (a) Coordinating a system for counseling aggrieved employees and otherwise attempting to resolve, on an informal basis, matters which are of concern to aggrieved employees;
- (b) Arranging for appropriate investigation and collection of information pertinent to grievances;
- (c) Reviewing the file of any individual employee who makes a complaint prior to the time a decision is made or a recommendation is made to the County Manager regarding disposition of the complaint.

Section 7. Protection from Interference, Harassment, Intimidation and Reprisal

All employees shall be free from any and all restraint, interference, coercion or reprisals in connection with making any complaint or appeal, pursuing any grievance, serving as a representative or a witness, or otherwise seeking or providing information relating to grievance procedures. The above principles shall also apply after a complaint or grievance has been resolved. If these principles are violated, such violation shall be brought to the attention of the County Manager by the employee or his representative so that appropriate remedial action may be taken.

Section 8. Grievance Procedure

- (1) Neither the County nor the County Employee shall be represented by any outside parties during the Grievance Procedure.
- (2) Grievances shall be initiated by County Employees no later than 15 calendar days after the last act that constitutes the basis for the grievance.
- (3) A County Employee (except those subject to the SPA with a grievance which alleges unlawful discrimination or retaliation) shall be required to first discuss the problem with the immediate supervisor. Where the grievance does not fall within the administrative or decision-making authority of the immediate supervisor, the immediate supervisor shall, within 48 hours of receipt of the grievance, refer the grievance to the lowest level supervisor (hereinafter "referred supervisor") with administrative or decision-making authority over the subject matter of the grievance and notify the employee of the fact of and the basis for the referral.
- (4) Grievances of alleged unlawful discrimination or retaliation shall be in writing and signed by the employee. The grievance shall state concisely the basis for the complaint and, if based upon alleged discrimination, shall indicate whether the

alleged discrimination was relating to race, color, handicap disability, national origin, sex, age or religion. The County Employee may be required to provide a more specific statement concerning the particular conduct, complaint, condition or other matter which is the subject of the grievance as the investigation relating to the grievance progresses.

- (5) Within five (5) days of receipt of the grievance, immediate supervisor (or referred supervisor) shall meet with the County Employee for the purpose of attempting to resolve the grievance. If the grievance is not resolved following the meeting, the immediate supervisor (or referred supervisor) shall issue a written decision relating to the grievance within five (5) days of the meeting.
- (6) Within five (5) days of the receipt of the written decision, the County Employees not subject to the SPA shall have the right to have the decision of the immediate supervisor reviewed by the Department Head. Within five days of their receipt of the written decision from the supervisor, employees subject to the SPA shall have the right to orally present the grievance to a reviewer who is outside the employee's chain of command.
- (7) The decision rendered after review of the immediate supervisor's decision by either the Department Head (for General County Employees) or the reviewer outside the employee's chain of command (employees subject to SPA), as described in subsection 6, shall be issued in writing within fifteen (15) days of receipt of the grievance.
- (8) Following the review by a person outside the County Employee's chain of command, County Employees subject to the SPA shall have the right to challenge whether the reviewer can render an unbiased decision. Such a challenge or appeal of the reviewer's decision shall be made to the agency head who will issue a response within fifteen (15) days of receipt of the grievance. County Employees not subject to the SPA may appeal in writing the decision of their Department Head to the County Manager, who will issue a response within fifteen (15) days of receipt of the grievance.
- (9) For County Employees subject to the SPA, and matters that are contested case issues under N.C. Gen. Stat. §126-34.1, if the County Employee is not satisfied by the final decision of the agency head, the County Employee shall have the right to appeal to the State Personnel Commission within 30 days of receipt of the final agency decision, set forth in Section 10 below. If the County Employee is unable within a reasonable period of time to obtain a final agency decision, the County Employee's right of appeal is governed by N.C. Gen. Stat. §150B-23(f).
- (10) Former General County employees may not utilize this grievance procedure to appeal a termination of employment. However, any former General County Employee who feels that he or she was terminated on the basis of his or her race, color, religion, sex, national origin, marital status, citizenship status, veteran status, ancestry, creed, disability, handicap, age, genetic background, political affiliation , or any other basis protected by state or federal law may file a

complaint in writing to the County Manager, who will investigate and respond as outlined in Step 5 of the Sexual Harassment of Other Unlawful Harassment Complaints Procedure, found in Article V, Section 7 of this policy manual.

Section 9. Effective Dates

The County will notify current County Employees and newly appointed County Employees of any change to the County grievance procedure in writing no later than 30 days prior to the effective date of the change. The grievance procedure effective date is October 18, 2010.

Section 10. Grievance Appeal: Local Government Employees Subject to the State Personnel Act

Any career State employee having a grievance arising out of or due to the employee's employment and who does not allege unlawful harassment or discrimination because of the employee's age, sex, race, color, national origin, religion, creed, handicapping condition, or political affiliation shall first discuss the problem or grievance with the employee's supervisor and follow the grievance procedure established by the employee's department or agency.

(a) An employee with permanent status who has been demoted, suspended or dismissed shall have 15 calendar days from the date of his receipt of written notice of such action to file an appeal with his agency or county grievance procedure, whichever is applicable. Grievances which do not allege discrimination must follow the agency or county grievance procedure. An appeal of a final agency decision must be filed in accordance with the North Carolina Administrative Procedures Act ("APA") within 30 calendar days of receipt of the final agency decision.

Grievances which allege unlawful workplace harassment because of the employee's age, sex, race, color, national origin, religion, creed, or handicapping condition must be submitted in writing to agency management, within 30 calendar days of the alleged harassing action, and the agency must be given 60 calendar days in which to take remedial action, if any, unless the agency has waived the 60-day period, and the employee has acknowledged such waiver. If the employee is not satisfied with the department or agency's response to the complaint, the employee shall have the right to appeal directly to the State Personnel Commission. An appeal to the State Personnel Commission of unlawful workplace harassment must be filed with the Office of Administrative Hearings in accordance with the APA and within 30 calendar days of written notification of the remedial action, if any, taken by the agency.

(b) Grievances which allege discrimination not including unlawful workplace harassment may at the election of the employee, proceed through the agency or county procedure or proceed directly to the State Personnel Commission ("SPC") for a hearing by the Office of Administrative Hearings ("OAH") and a decision by the SPC. A direct appeal to the SPC (such appeal involving a contested case hearing by the OAH and a decision by that agency to the SPC) alleging discrimination not including unlawful workplace harassment must be filed in accordance with the APA and must be filed within 30 calendar days of receipt of notice of the alleged discriminatory act.

Section 11. Appeal of Unlawful Employment Practice: Local Government Employees Subject to the State Personnel Act

(a) Any employee or former employee subject to the SPA who has reason to believe that employment, promotion, training, or transfer was denied the employee or that demotion, layoff, transfer, or termination of employment was forced upon the employee in retaliation for opposition to alleged discrimination or because of the employee's age, sex, race, color, national origin, religion, creed, political affiliation, or handicapping condition as defined by G.S. 168A-3 except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration, shall have the right to appeal directly to the State Personnel Commission.

(b) Subject to the requirements of the Grievance Appeal Procedure herein, any employee or former employee subject to the SPA who has reason to believe that the employee has been subjected to any of the following shall have the right to appeal directly to the SPC:

- (1) Harassment in the workplace based upon age, sex, race, color, national origin, religion, creed, or handicapping condition, whether the harassment is based upon the creation of a hostile work environment or upon a quid pro quo.
- (2) Retaliation for opposition to harassment in the workplace based upon age, sex, race, color, national origin, religion, creed, or handicapping condition, whether the harassment is based upon the creation of a hostile work environment or upon a quid pro quo.

(c) Grievances or Appeals filed on an untimely basis must be dismissed. Allegations of discrimination, if raised more than 30 calendar days after the party alleging discrimination became aware or should have become aware of the alleged discrimination, must be dismissed. Grievances alleging unlawful workplace harassment raised more than 30 calendar days after written notification of remedial action, if any, taken by the agency must be dismissed.

Section 12. Maintenance of Records

All documentation, records and reports relating to grievance proceedings will be retained for a minimum of three years and shall be held by the Personnel Officer. These records will be subject to review by the grievant, the employee's Department Head, the County Manager or other appointing authority, and the Board of Commissioners.

Section 13. Other Remedies Preserved

The existence of the grievance procedure does not preclude any individual from pursuing any other remedies available to him or her under applicable law.

ARTICLE IX. PERSONNEL RECORDS

Section 1. Personnel Records Maintenance

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Personnel Officer, or other designee determined by the County Board of Commissioners. Personnel records of employees, former employees, and job applicants are confidential, except to the extent provided by N.C. Gen. Stat §153A-98.

Section 2. Personnel Information - Public Information

The following information on each County employee shall be maintained and treated as public information: name; age; date of original employment or appointment to County service; the terms of any contract by which the employee is employed, whether written or oral, past and current, to the extent that the County has the written contract or a record of the oral contract in its possession; current position; title; current salary; date and amount of each increase or decrease in salary with the County; date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the County; date and general description of the reasons for each promotion with the County; date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the County (if the disciplinary action was a dismissal, public information will include a copy of the written notice of the final decision of the County setting forth the specific acts or admissions that are the basis for the dismissal); and office to which the employee is currently assigned. Salary includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity.

Section 3. Access to Personnel Records

Access to public information shall be governed by N.C. Gen. Stat. § 153A-98. A written record shall be made of all disclosures of records (except for authorized persons processing personnel actions) of the employee's name; information disclosed; and the date the information was requested. Upon request, records of disclosure shall be made available to the employee to whom such records pertain. Costs may be assessed for copies made.

Section 4. Authorized Disclosure

All information contained in a County employee's personnel file, other than the information listed in Section 2 of this Article, is confidential and shall be open to inspection only to :

- (a) The employee or his duly authorized agent, except (1) letters of reference solicited before employment, and (2) information concerning a medical disability, mental or physical, which a prudent physician would not divulge to a patient;
- (b) A licensed physician designated in writing by the employee;
- (c) A County employee having supervisory authority over the employee;
- (d) An individual designated by court order; or

- (e) An official of an agency of the state or federal government, or any political subdivision of the state, when such information is deemed by the Personnel Officer to be necessary and essential to the pursuance of a proper function of the inspecting agency (except for the purpose of assisting in a criminal prosecution of the employee or assisting in an investigation of the employee's tax liability).

However, certain portions of the personnel file, including but not limited to certain testing materials and preliminary drafts and internal communications (which were not used for any personnel decision) need not be disclosed to the employee or authorized individual.

An employee who objects to material in his or her personnel file may place in the file a statement relating to the material he or she considers to be inaccurate or misleading, or may request the removal of such material.

Section 5. Penalty for Permitting Unauthorized Access to Confidential File

Any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee's personnel file, except as expressly authorized by the designated custodian, may be judged guilty of a misdemeanor and, upon conviction, be fined in an amount not to exceed five hundred dollars (\$500.00).

Section 6. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with N.C. Gen. Stat. § 121-5(b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where the record is usually kept, or whoever alters, defaces, mutilates or destroys the record will be guilty of a misdemeanor and, upon conviction, will be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) as provided in N.C. Gen. Stat. § 132-3.

ARTICLE X. ALCOHOL AND DRUG-FREE WORKPLACE

Section 1. Purpose

The purpose of this policy is to promote and maintain a drug free environment in the workplace and to protect County employees and the public by ensuring that employees are fit to perform their assigned duties.

Section 2. Definitions

"Reasonable Suspicion" means a belief based on specific objective facts and rational inferences drawn from those facts that an employee has consumed or is under the influence of alcohol or illegal drugs while at work. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to: observable occurrences, such as direct observation of drug or alcohol use and/or the physical symptoms of being under the

influence of drugs or alcohol, including impairment of motor functions or speech, red eyes, visible track marks, alcohol or marijuana smell on clothing or breath, significant or sudden changes in work performance, observed or reported inappropriate behavior, and unexplained or frequent absenteeism, etc.; a report of drug or alcohol use by an employee while at work, provided by a reliable and credible source; a pattern as defined herein of unexplained preventable accidents and/or information based on specific objective facts that an employee has caused, or contributed to, an accident at work while under the influence of drugs or alcohol; or evidence that an employee is involved in the unauthorized possession, sale, solicitation or transfer of drugs while working or while on the County's premises or operating or in possession of a County vehicle.

"Approved Laboratory" means a laboratory which meets the requirements of N. C. General Statutes Section 95-231(1).

Section 3. Prohibited Conduct

The following conduct is prohibited under this policy:

- (a) The unauthorized use, consumption, possession or storage, manufacture, distribution, dispensation or sale of alcohol, controlled substances, illegal drugs or drug paraphernalia on County premises or any County work area, in County vehicles, or while on County business.
- (b) Reporting to work or working while under the influence of alcohol, illegal drugs, or non-prescribed drugs, on County premises or any County work area, in County vehicles, or while on County business.
- (c) The use or possession of alcohol or illegal drugs off County premises and while not on duty in such a manner that could likely have a direct and material adverse impact on the County's interests, including public image.
- (d) Conviction of possession of illegal drugs, selling illegal drugs or of possession with intent to sell illegal drugs at any time or place. Conviction of any criminal drug or alcohol statute at any time or place will be evaluated on a per case basis for relevancy to job.
- (e) Failure to notify the County of any arrest, charge, indictment, or conviction under any criminal drug or alcohol statute by the next work day following the arrest, charge or conviction.
- (f) Failure to notify the employee's supervisor, before beginning to work, that the employee is taking prescription or over-the-counter drugs which may interfere with the safe and effective performance of duties.
- (g) Refusal to immediately submit to an alcohol and drug test when requested by a supervisor, in accordance with this policy.
- (h) Failure to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled as a condition of continued employment.
- (i) Tampering with or obstruction of a drug or alcohol test being administered by or for the County.

The foregoing is not intended to be an exhaustive list of conduct prohibited by this policy. Engaging in conduct prohibited by this policy will subject an employee to discipline, up to and including termination. Any illegal conduct will be reported to law enforcement.

Section 4. Drugs to be Tested

When drug screening is required under the provisions of this policy, a urinalysis test will be conducted to detect the presence of drugs, including but not limited to: amphetamines, barbiturates, benzodiazepines, cocaine, methaqualone, opiates, phencyclidine (PCP), propoxyphene, THC (Marijuana), and any other controlled substance as defined in North Carolina General Statute Section 90-87(5), as amended. For purposes of this drug testing policy, alcohol is considered a drug, except where otherwise noted. Any employee found to have abused prescription drugs by either taking such drugs in excess of prescribed amounts or taking drugs without a supporting prescription will be subject to the terms and conditions of this policy.

Section 5. Prescription Medication Use

Employees using medications prescribed by a physician that have stated side effects with the potential to significantly affect or impair work performance shall be responsible for notifying their supervisor of such potential. An employee need not give the supervisor specific medical information, but the employee should inform their supervisor of the potential impact of any medication on job performance to allow the supervisor to evaluate and determine the appropriate course of action. The County may require the employee to provide relevant documentation from their physician regarding the use and effect of the medication.

Supervisors shall be encouraged to monitor employee behavior and assess possible warning signs indicating that the employee's work performance while under the influence of prescribed medication is impaired or is causing an unsafe work environment for the employee, his or her coworkers, or the public. If there is cause for concern with regard to the employee's behavior or performance, the employee shall be advised to take a leave of absence using accrued sick, annual, or comp leave, if applicable, or leave without pay if all applicable accrued paid leave has been exhausted, for all time away from work, until such time the employee can safely return to work.

Section 6. Applicant Testing

All applicants for employment are subject to the testing provisions of this program: provided, however, alcohol tests are only performed on applicants who have received a conditional offer of employment. All applicants for employment will be provided with written notification of this drug testing policy. The County will schedule a pre-employment drug test for any applicant tentatively selected for employment.

Applicants scheduled for a pre-employment drug test will be asked to sign a consent form authorizing a drug test and permitting release of the test results to County officials with a need to know. A job applicant who refuses to consent to a drug test will be denied employment.

The County may waive pre-employment drug testing in cases of temporary employment or part-time employment except for person(s) required to have a Commercial Driver's License (CDL) to perform the duties as an employee of County and persons performing transit related safety sensitive functions using federally funded vehicles.

Section 7. Current Employee Testing

Any Department Head who has reasonable suspicion (as defined herein) that an employee in his/her department is using or under the influence of drugs, is authorized to schedule a drug test and require the employee to cooperate fully with testing personnel.

Before a drug test is administered, the Department Head shall ask the employee to sign a consent form authorizing the test and permitting release of test results to County officials with a need to know. The consent form shall also set forth the following information:

- (a) The procedure for confirming an initial positive test result;
- (b) The consequences of a positive test result;
- (c) The right of an employee to explain a positive drug test result and the appeal procedures available; and
- (d) The consequences of refusing to undergo a drug test.

An employee who refuses to consent to a drug test, when reasonable suspicion of drug use has been identified, will be recommended for, and is subject to, dismissal.

Employees in designated safety-sensitive and security-sensitive positions will be subject to random, unannounced drug and alcohol testing. The Personnel Officer will develop and maintain a list of jobs approved for random testing, which will be available upon request. Every employee in the pool has an equal chance of being chosen each time a random selection is made. When an employee is required to submit to random testing, he or she will be notified verbally by a supervisor. In addition, the promotion/transfer of any employee subject to random drug testing may be conditioned on successful completion of a drug test as part of such personnel action. An employee's failure to submit to a drug test or a positive drug test may result in disciplinary action, up to and including dismissal.

An employee must submit to a drug test following any on-the-job accident involving property damage in excess or estimated to be in excess of \$2000.00 or bodily injury requiring medical attention away from the workplace or scene of the accident, or if the employee receives a citation under state or local law for a moving traffic violation arising from the accident. An employee must submit to a drug test after an incident involving a major violation of safety precautions or standards, whether or not injury resulted from such accident or violation. An employee may also be tested after a series of four or more minor on-the-job accidents or injuries occurring within a ninety (90) day time frame, as determined by the Department Head. Minor injuries are defined as those which do not involve property damage or bodily injury.

Employees who have voluntarily removed themselves from their job duties and have voluntarily undergone and successfully completed treatment for drug (not including alcohol) abuse must submit to and successfully pass a drug test result prior to returning to duties. These employees will also be subject to multiple unannounced drug tests for a period of up to one (1) year, as a condition of continued employment.

Section 8. The Test

Normally a urine test will be used to determine the presence of drugs. A strict chain of custody will be maintained by all personnel involved with the sample collection, transporting and

testing. Tests will be conducted in accordance with Article 20 of Chapter 95 of the North Carolina General Statutes and other applicable laws.

If a test result is positive, the employee or applicant will be notified in writing by the Personnel Office. The letter of notification shall identify the particular substance found. Such an applicant or employee shall have the right to request a retest as provided by N. C. General Statute Section 95-232(f), as amended.

Section 9. Consequences of a Positive Drug Test Result

An applicant shall be denied employment if his/her drug test is positive. An employee who has a positive drug test result will be subject to disciplinary action up to and including dismissal.

Section 10. Use of Results in Criminal Action

No test results of the County's drug testing program may be used as evidence in a criminal action against the employee or job applicant except by order of a court of competent jurisdiction or otherwise as required by law.

Section 11. Notification of Conviction

Each employee shall notify his or her supervisor of any charge, indictment or conviction for being in violation of any criminal drug statute occurring in the workplace no later than one work day after being charged with, or indicted or convicted on a drug violation. The County may suspend a General County Employee who has been charged with violating a crime involving drugs and place him or her on unpaid leave for any such absence pending the resolution of such charge.

Section 12. Additional Standards

All applicants for and all employees in positions subject to the provisions of the North Carolina Criminal Justice Training and Standards Council will be subject to the drug testing policies and procedures of the Council.

Various federal laws require drug testing of certain safety sensitive employees who must meet CDL requirements or who operate or maintain transit vehicles purchased with federal funding. A copy of relevant federal laws will be maintained in the Pamlico County Personnel Office.

All applicants for employment and all employees in positions subject to the provisions of other duly constituted and recognized agencies or licensing boards will be subject to the drug testing policies and procedures of such agency or licensing board in addition to those outlined herein.

Section 13. Inspections and Searches

County employees have no expectation of privacy in any vehicle, equipment, or furniture

owned by the County. Accordingly, the County reserves the right to search employer-owned items used by employees (e.g., desks, lockers, vehicles, equipment, etc.). Search efforts may be conducted by the employee's supervisor or Department Head and either the County Manager or Personnel Officer.

Section 14. Voluntary Rehabilitation

An employee who voluntarily reveals a substance abuse problem to a supervisor before being notified to be tested, before testing positive for substance abuse and before other discovery of a substance abuse problem, may voluntarily enroll in a drug or alcohol rehabilitation program and is encouraged to do so. The County may allow such employees to utilize available leave time to do so, and in the case of alcohol abuse, will consider whether any additional leave after the expiration of all other available leave would be a reasonable accommodation under the Americans with Disabilities Act.

An employee who voluntarily reveals a substance abuse problem may be allowed to return to work, but in cases other than involving alcohol abuse, only upon certification to the County of the successful completion of a rehabilitation program and the successful passage of a return to work drug test. In addition, any such employee allowed to return to work will be required to consent to unannounced follow-up drug testing for a minimum of one (1) year. Any refusal to random follow-up testing or a positive result on a return to work test may result in the immediate dismissal of such employee with no opportunity for re-employment.

Section 15. Enforcement

Department Heads are responsible for the proper application of the procedures in their departments and for holding supervisors accountable for the daily implementation of this policy. Department Heads and supervisors shall be responsible for identifying abuse-related behavioral and performance problems, following the proper referral for testing, and taking appropriate disciplinary measures. Failure to take action when the supervisor has reasonable cause to believe an employee is impaired while at work will result in disciplinary action being taken against the supervisor. If in doubt about what action to take, the supervisor should consult with the Department Head, the Personnel Officer or the County Manager. Supervisors shall make every effort to protect the privacy, confidentiality, and dignity of employees by minimizing the number of employees who learn of suspicions involving a co-worker's possible substance abuse or actions taken against that employee.

Alcohol and drug free workplace issues in the Sheriff's Office will be the responsibility of the Sheriff. The Sheriff will be responsible for reporting tests results as required to the North Carolina Sheriff's Education and Training Standards Commission on employees holding certification from that Commission.

ARTICLE XI. INTERNET ACCEPTABLE USE POLICY

Section 1. Purpose

Internet and computer network access is available to authorized employees of the County. The goal of the County in providing this service is to promote performance by facilitating research, resource sharing, innovation, and communication as outlined in the policy. Internet service and e-mail are considered County property and are provided solely to facilitate official County business. Every employee has an obligation generally and in particular with respect to use of Internet and e-mail, to enhance the public image of the County.

As a condition of providing Internet access to its employees, the County places certain restrictions on workplace use of the Internet. This Internet Acceptable Use Policy is designed to inform employees of the permitted uses of Internet access provided by the County, and the restrictions placed on such use. Other conditions and requirements may exist external to this policy for an employee that is allowed use of the Internet and/or e-mail.

Section 2. Permitted Uses

The County encourages employee use of the Internet to:

- (a) Perform research and acquire information related to or designed to facilitate the performance of regular assigned duties;
- (b) Communicate with fellow employees regarding matters within an employee's assigned duties;
- (c) Transfer files and other information pertaining to matters within an employee's assigned duties; and
- (d) Facilitate performance of any task or project in a manner approved by an employee's supervisor.

Section 3. Prohibited Activities

The following uses of Internet access provided by the County are expressly prohibited (this list is intended to be for purposes of illustration only, and is not an exhaustive list of all prohibited uses):

- (a) Copying, disseminating, or printing of copyrighted materials (including articles and software) in violation of copyright laws;
- (b) Downloading unauthorized software or any software not registered to the County;
- (c) Sending, receiving, printing, or otherwise disseminating proprietary data or confidential information in violation of federal law, state law, County policy, or proprietary agreements, including but not limited to protected health information under HIPAA;
- (d) Using offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, age, disability, religious or political beliefs or other legally protected basis;
- (e) Sending, receiving, printing or soliciting sexually oriented messages or images;
- (f) Operating a business, soliciting money for personal gain, or searching for other employment;

- (g) Sending chain letters, gambling, or engaging in any other activity in violation of local, state, or federal law;
- (h) Gaining access to the Internet by using any access-control mechanism not assigned to the particular user, or permitting another person to have access to the Internet by using the employee's assigned access-control mechanism;
- (i) Gaining or attempting to gain unauthorized access to any computers, computer networks, databases, data, or electronically stored information;
- (j) Using, transmitting, changing, or deleting another user's files or software without permission;
- (k) Introducing destructive software or programs such as computer viruses, Trojan horses, or worms, into any computer, computer system, or network; or
- (l) Using access for personal use unrelated to assigned duties.

Section 4. Electronic Mail

As part of the Internet Access provided by the County, employees may be given e-mail capabilities. The County encourages the use of e-mail for any purpose identified as a permitted use in this policy. However, e-mail accounts are provided by the County solely for official use. E-mail may not be used in connection with or in furtherance of any prohibited activity identified in this policy or for personal use.

The following specific restrictions apply to the use of e-mail provided by the County to its employees:

- (a) Employees shall not use e-mail accounts provided by the County to subscribe to, submit messages to, or read messages from Internet Mailing Lists, Discussion Groups, or News Groups that are of purely personal interest and not related to the County's business.
- (b) All e-mail transmissions using e-mail access provided by the County must contain the first and last name of the sender.
- (c) Unauthorized password protection or encryption is prohibited. Passwords or encryption keys must be made available to the County so that the County can have access to any transmissions or stored data at any time.

Section 5. World Wide Web

As part of the Internet access provided by the County, employees may have access to the vast resources of the World Wide Web. In addition to the restrictions and prohibitions generally outlined in this policy, the following restrictions apply to use of the World Wide Web:

- (a) Employees using Internet access provided by the County may not access any service for which there is a fee or conduct any purchase without prior authorization from the County or the employee's supervisor;
- (b) Employees may not use Internet access provided by the County to maintain personal Websites or Web pages; and
- (c) Employees should use any storage access with which they may be provided for County-related files only; duplicative, outdated, or unnecessary files should be deleted when possible.

Section 6. Audits

Employees of the County should be aware that e-mail and Internet activity on access provided by the County and any stored data on systems and equipment provided by the County are subject to auditing and inspection by the County. Employees should be aware that they have no right or legitimate expectation to privacy with respect to data stored on computer networks, systems, or other electronic devices provided by the County, or any data received or transmitted by means of Internet access or e-mail provided by the County. Electronic auditing may be implemented within all County networks that connect to the Internet or other publicly accessible networks to support identification, termination, and prosecution of unauthorized activity. These electronic audit mechanisms may be capable of recording:

- (a) Access to the system, including successful and failed log-in attempts, and log outs.
- (b) Inbound and outbound file transfers.
- (c) Terminal connections (telnet) to and from external systems.
- (d) Sent and received e-mail messages.
- (e) Web sites visited, including uniform resource locator (URL) of pages retrieved.
- (f) Date, time, and user associated with each event.

Section 7. Supervisory Responsibility

All County Department Heads and other County employees with supervisory responsibilities shall be responsible for ensuring appropriate Internet use for all employees under their direction.

Section 8. Virus Protection

All employees of the County with e-mail or Internet access must exercise caution to avoid the introduction of computer viruses or other destructive files or programs into their computers or the network. Precautions which should be taken include the following:

- (a) Employees should not download e-mail attachments from unknown senders.
- (b) Employees should exercise caution when downloading files from the Internet (either via the World Wide Web or FTP). When downloading files, other than those from an official government server, employees should look for a statement at the site saying that its files have been checked by an antivirus program. If the files have not been checked, or if the employee is not sure, then he or she should either download the file to a floppy disk and have it scanned with anti-virus software, or not download from the site.
- (c) Before uploading or sending any file or program which has been transferred by floppy disk from a computer outside the County network, an employee should take reasonable precautions to ensure that the disk, file, or program is free of any virus or other destructive file or program.

Section 9. Blogging, Social Network Sites, and Off-Duty Electronic Communication

Although prohibited from doing so while at work, employees may choose to participate in internet web logs, or "blogs;" internet social network sites; or other electronic communication while off duty. Employees are reminded that the standards of conduct also apply to these and

other off duty activities. Employees have a duty to refrain from engaging in conduct that has the potential to adversely affect the County's status; to refrain from engaging in rude, discourteous, abusive, harassing, or otherwise harmful behavior towards co-employees, visitors, or the County; to refrain from engaging in dishonest behavior or making false claims or charges against the County or its staff; and to avoid releasing confidential information about the County's business operations. Employees are further prohibited from using the County logo for non-official business on the internet or otherwise. The standards identified are examples, and not a comprehensive list of the applicable standards of conduct. Failure to adhere to the standards set forth in this policy will result in disciplinary action.

Section 10. Violations of County Policy

Disciplinary action for violation of the County's Internet Acceptable Use Policy may include, but is not limited to, termination, suspension, or demotion of the offending employee. In cases involving less serious violations, disciplinary action may consist of a warning or reprimand. Remedial action may also include counseling, changes in work assignments, or other measures designed to prevent future misconduct. The measure of discipline will correspond to the gravity of the offense as weighed by its potential effect on the County and fellow employees, and/or whether the offense violates any federal, state or local laws, rules or regulations.

**ARTICLE XII. IMPLEMENTATION OF PERSONNEL POLICIES BY
RESOLUTION**

Section 1. Conflicting Policies and Resolution Repealed

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

Section 2. Severability

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

This Resolution passed and adopted by the Board of County Commissioners, Pamlico County, State of North Carolina, this _____ day of _____, 2010.

Chairman
Pamlico County Board of Commissioners

Clerk to the Board

(Seal)

The Sheriff of Pamlico County concurs with these Personnel Policies as they related to areas which are subject to the control and cognizance of the Office of the Sheriff.

Pamlico County Sheriff

The Register of Deeds of Pamlico County concurs with these Personnel Policies as they are related to areas which are subject to the control and cognizance of the Office of the Register of Deeds.

Pamlico County Register of Deeds