



## Edgecombe County, North Carolina

### Personnel Policies

Effective

February 3, 2014

**LETTER OF TRANSMITTAL**

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**ARTICLE I. GENERAL PURPOSE AND SCOPE**

**Section 1. Purpose**

This policy manual contains personnel policies and procedures for Edgecombe County employees. The policies are established and adopted by the Edgecombe County Board of Commissioners pursuant to the State of North Carolina Statutes Chapter 153A and Chapter 126.

The purpose of this policy manual is to establish uniform and equitable policies that will promote an efficient system of personnel administration for employees of Edgecombe County. This policy manual serves as a guide for administrative actions concerning County personnel matters and shall not be construed as contractual provisions or as establishing terms or conditions of employment. This policy may be amended at any time at the sole discretion of the County.

Public employees have a high degree of visibility to the general public and therefore must exercise their duties with particular care and caution to ensure prompt, efficient, high quality services for the public

Edgecombe County employees are vital members of a dedicated group making a contribution to the present as well as the future of the County they serve. Employment for all County employees is at-will employment and may be terminated by either the County or the employee at any time.

**Section 2. Adoption of Personnel Policies**

The personnel policies set forth in this Manual supersede all previous personnel policies and serves as the official personnel policies of Edgecombe County.

**Section 3. Administration**

The County Manager shall be responsible for the administration of the County personnel program. The County Manager may delegate responsibility for administering the personnel program to another full-time County employee. This Manual is intended to address most personnel situations and actions for which the County Manager is responsible. However, those situations not specifically covered shall be interpreted and acted upon by the County Manager or designee in keeping with the intent of these policies and procedures.

**Section 4. Coverage**

All employees in the County's service shall be subject to these policies, except as specified below:

- a. Board of Commissioners
- b. Members of Advisory Boards and Special Boards and Commissions
- c. Cooperative Extension
- d. County Attorney
- e. County Manager
- f. Elected Officials
- g. Employees of the County Library
- h. Employees of the Board of Education
- i. Employees of the East Pointe LME
- j. Consultants, independent contractors, and others rendering professional services on a fee basis
- k. The Director of Elections and staff shall be subject to all Articles except Articles VIII;

## **Section 5. Compliance**

Department Heads shall take necessary and prompt action to ensure compliance with these policies within their respective departments.

- a. The policies set forth herein are not intended to create a contract, nor are they to be construed to suggest any express or implied contractual obligations of any kind with the County. The County retains the right to amend, cancel or otherwise change any of these policies and procedures at any time as circumstances may warrant.
- b. Employment with the County is voluntarily entered into and the employee is free to resign at any time. Similarly, the County may terminate the employment relationship and such termination or any other form of discipline shall be a judgment reserved to the County at its sole discretion.

## **Section 6. Availability and Acknowledgement of Personnel Policies**

The County Manager shall be responsible for maintaining a complete and current set of personnel policies and for bringing these policies to the attention of all County employees. In addition, a copy shall be maintained in the office of each department director. Each County employee shall be given a copy of the personnel policies upon adoption of these policies by the Board of Commissioners. Future employees shall receive a copy of the current personnel policies when they begin their employment with County. All employees will acknowledge receipt of these policies via a signed and dated statement, which will be maintained within the employee's personnel file. The statement shall include the employee's confirmation that these policies have been read and are understood by the employee. The Personnel Policy Manual shall be available for review by any employee or the public during County's regular business hours.

## **Section 7. Responsibility of Board of Commissioners**

Based upon the evaluation(s) and recommendation(s) of the County Manager, the Board of Commissioners shall establish and approve personnel policies, approve modifications to the Classification and Compensation Plan, and confirm appointments as required by law. The County Manager is designated to serve as Human Resources Director by the Board of Commissioners.

The Board of Commissioners shall establish office hours, workdays, and holidays to be observed by the various offices, departments, boards, commissions and agencies of the County.

## **Section 8. Responsibility of the County Manager**

The County Manager shall be responsible to the Board of Commissioners for the administration of the County human resources program, including these Personnel Policies. The County Manager shall appoint, suspend, and remove all 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 make appointments, dismissals, and suspensions in accordance with 153A-82 of the General Statutes of the State of North Carolina and these Personnel Policies.

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

The County Manager shall:

- a. Recommend rules and revisions to the personnel system to the County Board of Commissioners for consideration;
- b. Make changes as necessary to maintain an up to date and accurate position classification plan;
- c. Recommend necessary revisions to the compensation plan;
- d. Perform such other duties as may be assigned by the County Board of Commissioners not inconsistent with this Policy; and
- e. Appoint an employee to the role of Human Resources Director.

#### **Section 9. Responsibility of the Human Resources Director**

The County Manager may appoint a Human Resources Director who shall assist in the preparation and maintenance of the position classification plan and the compensation 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 Human Resources Director, the County Manager or such employee who is under his or her direction and supervision shall perform all of the following duties and responsibilities. The duties and responsibilities of the Human Resources Director or the County Manager as Human Resources Director shall include, but not be limited to, the following:

- a. Apply, interpret, and carry out this Personnel Policy 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. Recommend and administer recruiting policies and programs to attract qualified applicants to meet the needs of the County; qualified applications will be forwarded to the individual agencies;
- d. Recommend changes to maintain the County's classification and compensation plan;
- e. Recommend which employees shall be subject to the overtime provisions of FLSA;
- f. Develop and administer such recruiting programs as may be necessary to recruit and retain qualified employees to meet the needs of the County;
- g. Identify training and staff development need and develop and coordinate training and educational programs for County employees;
- h. Encourage and exercise leadership in the development of an effective personnel administration program within various County departments;
- i. Investigate, as necessary and appropriate, the time, operation and effect of these Personnel Policies and other policies as appropriate;
- j. Make recommendations, as appropriate, to the County Manager or the Board of Commissioners regarding County personnel functions; and
- k. 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 10. Responsibility of Department Heads**

The Manager of each General County Department or Board 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 Manager of each General County Department or Board shall be responsible to the County Manager that all employees are thoroughly familiar with the provisions of these policies.

## **Section 11. Employees Subject to this Policy**

The provisions of this policy shall be applicable to the following classes of employees:

- a. Employees of the Sheriff and Register of Deeds are subject to this policy with the exception that they serve at the will of those officials. The Sheriff and Register of Deeds shall be subject to this chapter, except that they shall have the right to hire and terminate employees in their respective departments under the authority of G.S. 153A-103.
- b. Employees of the Cooperative Extension Service whose annual compensation is supplemented by state and federal funds shall be subject to all provisions of this chapter except those provisions which conflict with the memorandum of understanding executed between the County and the North Carolina Cooperative Extension Service.
- c. The County Manager and County Attorney are appointed by the Board of Commissioners and are exempt from this policy unless provided for by separate document.
- d. Employment of all other employees of the County government is governed by this policy.
- e. Employees of the Board of Elections are subject to this policy except the County Board of Elections shall appoint and remove election clerks, assistant clerks, and other election employees under the authority of G.S. 163-33 (10). The Executive Secretary-Director of the State Board of Elections appoints the Director of Elections. The Executive Secretary-Director can render a decision to terminate the County Director of Elections following procedures set out in G.S. 163-35 (b).

## **Section 12. Definitions**

**ANNIVERSARY DATE:** Date that an employee began employment with the County.

**APPLICANT:** One who places himself or herself in competition for a vacant position by completing and submitting an application for employment regardless of employment status, i.e. a current County employee becomes an applicant when an application for another position is submitted for purposes of the employee's relationship to the vacant position.

**APPOINTING AUTHORITY.** A position with legal or delegated authority to make hiring decisions.

**AUTHORIZED ABSENCE:** An absence approved by the County after proper notification (reason for absence and estimated length of the absence).

**BENEFIT-EARNING STATUS:** Regular full-time employees who are scheduled to work forty (40) hours per week are eligible for employer provided benefits. Regular part-time employees who are regularly scheduled to work less than forty (40) hours per week and more than thirty (30) hours per week may be eligible for a pro-rated portion of employer provided benefits. Temporary, seasonal and intermittent employees are not eligible to receive employer provided benefits.

**BOARD OF COUNTY COMMISSIONERS:** The local government unit, elected by the citizens of the County, and charged with the legislative affairs of the County.

**BREAK IN SERVICE:** Any separation from employment with the County whether by resignation, retirement, lay-off, disability, unauthorized absence or termination when the employee is subsequently re-employed by the County. An authorized leave without pay will not count as a break in service.

**CLASSIFICATION:** A position or group of positions having similar duties and responsibilities and requiring similar qualifications that can be properly designated by one title indicative of the group of positions having similar ranking groups of classification based on internal comparisons and market surveys of relative duties and responsibilities.

**COMPENSATION PLAN:** A plan to compensate employees either annually or hourly, formulated and recommended by the County Manager, and approved by the Board of Commissioners.

**COMPENSATORY OVERTIME:** Time earned at a rate of time and one-half by a non-exempt employee for hours work in excess of 40 hours in a workweek or, in case of law enforcement, in excess of 171 hours in a 28-day period.

**CONTINUOUS SERVICE:** The total length of employment with the County, from the first date of employment continuing until the employee's separation from employment by retirement, resignation or termination of employment.

**COST OF LIVING ADJUSTMENT (COLA):** An adjustment in pay that takes into consideration the impact of inflation on purchasing power.

**COUNTY MANAGER:** The County Manager is the highest level of supervision and highest administrative official of County government and is appointed by the Board of Commissioners.

**DEMOTION:** Movement of an employee from one job class to another within the County, where the pay grade for the new position is lower than that of the former job class.

**DIRECTOR or DEPARTMENT HEAD:** The highest level of supervision or top administrative official of a department of County government.

**DISCIPLINE:** Action taken by the employer to correct job related behavior that does not meet established performance or conduct standards. Disciplinary action may include oral reprimands, written reprimands, suspension, demotion or termination.

**DOWNGRADE:** A change that results in a lower pay grade being assigned to the classification of a position based on changes in essential duties, responsibilities, reorganization, or market comparable.

**EXEMPT EMPLOYEE:** An employee specifically exempt from the overtime compensation provisions of the Fair Labor Standards Act (FLSA) as defined and limited by administrative rules and regulations; these employees generally have as their primary duty management, administration, or work of a professional nature.

**FLSA:** Fair Labor Standards Act which is the federal statute defining minimum wage and overtime compensation and classifying positions as exempt or non-exempt

**FMLA:** The Federal Family Medical Leave Act of 1993, with amendments.

**FULL-TIME EMPLOYEE:** An employee who is required to work forty (40) hours per work week for a twelve (12) month period.

**IMMEDIATE FAMILY:** Spouse, parent, guardian, child, sibling, grandparent, grandchild, plus those qualifying as half, step, in-law or adopted relationships of the above.

**LAY-OFF:** A temporary or indefinite reduction in the workforce due to economic conditions, technological changes, lack of work, or other appropriate reasons, initiated by the County and usually through no fault of the employee.

**NON-EXEMPT EMPLOYEE:** An employee who is entitled to minimum wage and overtime compensation pursuant to the Fair Labor Standards Act.

**OVERTIME (Non-Exempt Employees):** Work performed at the express authorization of the County in excess of forty (40) hours in a seven (7) day period, or, in case of law enforcement, in excess of 171 hours in a 28-day period as defined by the Fair Labor Standards Act.

**PAY GRADE:** A level within the compensation plan into which job classes with similar job evaluation factors are placed for compensation purposes. Pay grades have a minimum rate, a midpoint rate, and a maximum rate.

**PART-TIME EMPLOYEE:** A part-time employee is one who works less than 40 hours per week.

**PROBATIONARY PERIOD:** The initial period of employment during which a newly hired, rehired, promoted, demoted or transferred employee is required to demonstrate the ability to perform the duties of the position.

**PROMOTION:** Movement of an employee from one job class to another within the County, where the pay grade for the new position is higher than that of the former positions.

**RECLASSIFICATION:** A change in a position from one class to another based on changes in job content such as essential duties, difficulty, required knowledge, skills, or abilities, responsibility of the work performed, reorganization, or market considerations.

**REGULAR FULL-TIME EMPLOYEE:** An employee who has successfully completed their probationary period of employment after hire or promotion. Regular full-time employees are regularly scheduled to work forty (40) hours per week and two thousand eighty (2080) hours per year.

**REGULAR PART-TIME EMPLOYEE:** An employee who has successfully completed their probationary period of employment after hire or promotion. Regular part-time employees are regularly scheduled to work less than forty (40) hours per week and less than two thousand eighty (2080) hours per year.

**REGULAR POSITION:** A position that has been approved by the Board of County Commissioners and which has recurring duties and responsibilities of continuing duration. All rights and privileges of employment as set forth in the personnel policy attached to such position with benefits.

**REORGANIZATION:** Due to changes in the organizational needs of the department, the duties and responsibilities or technological requirements of a position may be reclassified, and a position may be abolished in full or in part, or created according to County policy.

**RESIGNATION:** Voluntary separation of employment from the County initiated by the employee.

**SALARY RANGE:** A minimum rate of pay to a maximum rate of pay assigned to a pay grade within the Compensation Plan.

**SEASONAL EMPLOYEE:** An employee who works in a position which is seasonal in nature.

**SUSPENSION:** A leave of absence without pay for disciplinary purposes.

**TEMPORARY POSITION:** A position for which the duties and responsibilities are required based upon the needs of the County for specified period of time or circumstance. The hours may be forty (40) or less per week. Position is not eligible for benefits and is generally of a duration of one (1) year or less or the duration of a special project.

**TERMINATION:** An involuntary separation of an individual's employment initiated by the County

**TRAINEE:** An employee designated as a trainee, appointed to a position in a class for which the County Manager, Human Resources Director or Department Head has authorized "trainee" appointments. The employee does not meet minimum education or experience requirements for a position but can obtain within a specified period of time. An employee may not be appointed as a trainee if they possess the required training and experience for the regular class. To advance to the regular job class, the appointee must meet the minimum qualifications for the class. The employee is generally paid at a salary less than the minimum of the pay grade assigned to the job class.

**TRANSFER:** Movement of an employee from one job class to another within the County. Transfers can be within a department and between departments.

**UNAUTHORIZED ABSENCE:** Any absence during a scheduled work period without authorization from the employee's supervisor or when an employee does not follow established policies and procedures for an absence.

**UPGRADE:** A change that results in a higher grade being assigned to a position with the same job responsibilities.

**WORK AGAINST:** When qualified applicants are unavailable and there is no training provision for the vacant classification, the County may appoint an employee/applicant who does not meet the minimum requirements of the position, to a pay grade which is below the pay grade of the regular classification in a work-against appointment. A work-against appointment allows the employee to gain the qualifications needed for the regular job class through on-the-job experience. To advance to the pay grade of the regular job class, the appointee must meet the minimum education and experience requirements of the job class.

## **ARTICLE II.      EMPLOYMENT**

### **Section 1.      Equal Employment Opportunity**

It is the policy of the County to provide full and equal employment opportunities for all employees and applicants seeking employment with the County. The County upholds the principal that no individual shall be discriminated against with respect to compensation, terms, conditions, or other privileges of employment because of race, color, creed, religion, political affiliation, sex, age, national origin, sexual orientation, marital status, veterans status, source of income, disability or any other group or class against which discrimination is prohibited is prohibited by state or federal law.

The County provides equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when that employee or applicant requests an accommodation. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. A request for accommodation may be denied if the accommodation is not shown to be effective, places an undue burden on the County or if the employee poses a direct threat to the health and safety of themselves or others.

Employees who participate in discrimination of any kind are subject to discipline up to and including termination. Any person who feels that he/she has been discriminated against should contact their Department Head, County Manager or their designee. Employees and applicants are protected from coercion, intimidation, interference, or discrimination for filing complaints or assisting investigations.

The County Manager serves as the Equal Opportunity Officer and is responsible for administering the County's Equal Opportunity policy. Employees can bring complaints, ask questions, and raise concerns under this policy without fear of reprisal. Charges or complaints of discrimination should be referred to the County Manager. The County will not tolerate retaliation, harassment, intimidation, threats, coercion, or discrimination against anyone who files a complaint, exercises a right, opposes improper conduct or assists in an investigation.

## **Section 2. Reasonable Accommodations Under the Americans With Disabilities Act (ADA)**

The County will not discriminate against a qualified individual with regard to job applications procedures, hiring, promotion, compensation, job training, employee benefits, discharge of employees, and other terms conditions of employment. Disability means having a physical or mental impairment that substantially limits one or more of the major life activities of such individuals, having a record of such impairment or being regarded as having such impairment.

Reasonable accommodations, which do not present a hardship to the County, will be provided for testing and job placement upon request from an applicant. The County will provide reasonable accommodations, which do not present an undue hardship to the County, for the continued employment of individuals who become disabled while employed by the County, provided that employees notify the County Manager in writing of their need for an accommodation as soon as possible, but no more than 180 days after the employee knew or should have known the accommodation was needed. Examples of reasonable accommodations to be considered by the County include reassigning non-essential duties, modifying work schedules, acquisition or modification of assistive equipment or devices; and/or other similar actions, unless it can be demonstrated that a particular adjustment or alteration would impose an undue hardship on County operations. The County Manager serves as the County's ADA Coordinator.

## **Section 3. At-Will Employment**

Employment with the County is at-will, which means that continued employment and the conditions of employment are solely at the County's discretion, consistent with the terms of any applicable employment agreement.

Employment is at-will and either the employee or the County may choose to terminate the employment relationship at any time and for any reason not prohibited by law.

## **Section 4. Recruitment**

Recruitment and selection practices are conducted solely on the basis of job-relevant qualifications, ability, merit, and competence without regard to race, religion, color, creed, national origin, sex, age, political affiliation, handicapping condition or any other protected category under local, state, or federal law. All advertisements for employment must

include an assurance that the County is an equal opportunity employer and will comply with federal and state statutes regarding discrimination in employment matters.

The recruitment and selection policies of the County are to encourage properly qualified individuals to apply for County positions. Competition for positions shall be open to all applicants who meet the qualifications established for the class of position for which application is made. No person shall in any way be favored or discriminated against because of race, color creed, age, marital status, sex, political opinion or affiliation, disability, sexual orientation, or welfare assistance status.

In making a selection among candidates to fill vacancies, the County may use written, oral or performance tests, an evaluation of training and experience, skills tests, psychological tests, or any combination of these. Investigations of background, character, education, experience or physical fitness may also be required.

When a position becomes vacant, and prior to the posting or advertisement of any position, the Department Head must prepare and submit a request to fill the position to the County Manager. The request to advertise the position must explain the continuing need for the position and recommend any revisions that should be made prior to posting or advertisement of the position. No position will be posted or advertised if it has not been previously budgeted or authorized by the Board of County Commissioners.

**Recruitment Sources.** All vacant positions being filled will be publicized to permit an open opportunity for all interested employees and applicants to apply. The Department Head will notify the Human Resources Director who shall publicize these opportunities for employment, including applicable title, salary range, essential job functions, knowledge and skill requirements, minimum education and experience standards and a contact person. Information on job openings and hiring practices will be published in local and/or other news media as necessary to inform the community and create a quality and diverse pool of applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments, and on the County intranet and website from the date that the position is advertised until the established closing date for accepting applications. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for County service. The North Carolina Employment Security Commission shall normally be used as a recruitment source. In rare situations because of emergency conditions, high turnover, etc. The County may hire or promote without advertising jobs, upon approval of the County Manager. Special emphasis will be placed on efforts to attract minorities, women, and the disabled or other groups that may be under-represented in the workforce to help assure these groups will be among the candidates from whom appointments are made.

When there are positions to be filled within the County, Department Heads and the County Manager will work together with the Human Resources Director on recruitment procedures including use of the Applicant Interest Cards, Applications Reserve File, and other formal recruitment methods.

#### **Section 5. Residency**

Newly hired employees in the positions of County Manager, Assistant County Manager, and Department Head positions shall be required to establish permanent legal residency within the County within twelve (12) months of date of hire. Employees shall provide proof of residency (i.e. voter registration, driver's license, etc.) to the County. The County Manager may temporarily waive this requirement as approved by the Board of Commissioners.

#### **Section 6. Job Advertisements**

All opportunities for County employment will be advertised. Job postings will be posted on County employee bulletin boards and website. Job postings may be advertised with the Employment Security Commission, with other local,

state or national organizations, and in newspapers and professional publications and on websites as deemed appropriate. Vacant positions will be posted for a minimum of seven (7) days.

The Department Head, upon approval of the County Manager, may determine that vacancies shall be advertised internally only for a period of five (5) working days and shall be posted in areas in all departments known to County employees.

#### **Section 7. Application for Employment**

All qualified persons expressing interest in a County position, including current employees, will be given the opportunity to file an application for employment when the County advertises to fill vacant positions. Applications will remain active for a period of 6 months. All applicants for a position must complete and sign the County's official application form. Applicants may be required to submit certificates from educational and training institutions, proof of licensure, and other documentation requested by the County which provides reasonable proof of any statement made on the application. Any false statements within the application may cause for rejection of the application or disciplinary action up to and including termination.

#### **Section 8. Minimum Qualification Standards**

County employment standards are established by the position classification plan. The minimum qualification standards for applicants seeking County employment and for current County employees seeking a promotion or transfer must be consistent with the established job class requirements and with any specialized requirements for specific positions. Minimum qualification standards include the specified education, experience, physical capabilities, and other knowledge, skills, and abilities defined for the job class and established by the Department Head in consultation with the County Manager.

Applicants who do not meet the minimum education and experience requirements may be hired as trainees or in a work against status if approved.

#### **Section 9. Selection**

The County will select the best qualified person for each available position from among the applicants who meet the minimum qualifications established for the position. Evaluation of qualifications is based solely on job-related criteria and without regard to race, religion, color, creed, national origin, sex, age, political affiliation, disability or any other protected category under local, state, or federal law.

It is the responsibility of the Human Resources Director to manage the selection process to ensure compliance with state and federal laws and consistency with the County's employment practices.

Selection procedures used to determine the qualifications of applicants for any position may include but are not limited to an evaluation of the employment application, resume or other submitted materials; structured interviews; reference checks; driver's license checks; academic verifications; criminal background and credit checks; and controlled substance testing. The County may require a medical screening of one or more finalists for a County position before making an offer of employment and reserves the right to condition an offer of employment on the results of a medical examination or screening. The purpose of the medical screening is to determine if final candidates are physically able to perform the essential functions of the position and to ensure that an individual's physical condition will not endanger the health, safety, or well-being of themselves, other employees or the public.

**Section 10. Employment Reference and Background Investigations**

To ensure that individuals who are employed by the County are well qualified and have the potential to be productive and successful employees, reference checks and background investigations may be conducted for those applicants being seriously considered for employment.

**Section 11. Credentials Verification**

A position which requires a specific degree, certification, licensure or registration will require documentation be furnished by the selected applicant prior to employment with the County.

Credentials of newly hired or promoted employees shall be verified within 60 days from the date of hire, including official transcripts shall be submitted to the Human Resources Department. The Human Resources Department must be kept informed of employee licensure status and renewals must be submitted as appropriate. Employees who fail to comply with provisions of North Carolina State law concerning licensure, certification and registration may be subject to disciplinary action, up to and including termination of employment.

**Section 12. Pre-Employment Medical Exams**

The County may determine that a pre-employment medical examination is necessary to determine fitness to perform the essential duties of any County position. Where a medical examination is required, the offer of employment will be made contingent upon successful completion of the medical exam.

The physician conducting the exam will be provided with a description of the essential duties and responsibilities, physical requirement and working condition and other pertinent information on the position to aid in the determination of the ability to perform the job in question.

If the County determines that pre-employment medical exams will be required, they will be required of all candidates who are conditionally offered employment for a given job class. The information obtained during the medical exam will be treated as confidential medical records.

The exam will be conducted by a licensed physician designated by the County and the cost of the exam will be paid by the County. The physician will notify the County Manager whether a candidate is medically able to perform the essential functions of the job, with or without accommodations. If the candidate requires accommodation to perform one or more of the essential functions of the job, the County Manager will confer with the physician and candidate regarding acceptable accommodations.

The County will inform the candidates of the results of their examinations. If a candidate is rejected for employment based on the results, the candidate will be notified of this determination and may request further explanation from the physician.

Certain employee's may be required to pass a pre-employment drug/alcohol test and are subject to random drug/alcohol testing.

**Section 13. Eligibility for Employment**

The County complies with the Immigration Reform and Control Act of 1986. All County employees shall be citizens of the United States, or shall be authorized to work in the United States and will be required to submit appropriate documentation of alien employment eligibility pursuant to Title VIII, U.S.C. 1324 et seq.

Minimum Age. The minimum employment age for regular employees is 18 years of age. Law Enforcement Officers must be a minimum of 21 years of age.

#### **Section 14. Employee Orientation**

All newly hired or rehired employees shall complete required County Personnel Forms.

Employees who are eligible for fringe benefits must complete enrollment forms relating to certain mandatory and elective benefit programs.

Employees shall be provided a copy of the County's personnel policies and acknowledge receipt by completing an acknowledgement form.

Each department shall be responsible for conducting an on-the-job training program for each new employee, which shall cover the employee's work environment, position responsibilities and duties, work schedule, safety requirements and application of the County's personnel policies and departmental policies to the position involved.

#### **Section 15. Probationary Period**

The County regards the Probationary Period as an integral part of the employment process. During this period new employees are closely evaluated to determine whether or not they meet acceptable standards of performance. This period is one of the most effective tests available to measure fitness for the job.

Edgecombe County requires all employees to serve a probationary period when a new employee is appointed to a position and when existing employees are promoted, transferred, or demoted. The probationary period is regarded as an extension of the selection process. It provides the County with a period of time during which the employee's work will be closely evaluated. The County may dismiss any employee with or without cause at any time during the probationary period.

The probationary period for newly hired or re-hired employees is nine (9) months from the date of hire, with the exception of County Department Heads and sworn law enforcement personnel of the Sheriff's Department who shall serve a probationary period of one (1) year from the employee's date of hire. During the probationary period the County shall closely observe an employee's work to ensure that the employee demonstrates that he/she is qualified for the position to which he/she has been appointed. Performance, skills and ability demonstrated during the Probationary Period shall be evaluated by the employee's supervisor in order to determine whether the employee should continue to be retained by the County. If the employee's work meets established standards, he/she will become a regular employee at the end of the Probationary Period. Employees whose performance does not meet the work standards of the position, as determined at the sole discretion of the County, may be terminated without stating a reason or cause, or in accordance with law. An employee terminated during the probationary period will not have the right to appeal. The supervisor shall recommend in writing whether the probationary period should be completed or extended, or if the employee should be transferred, demoted or dismissed. A Department Head may extend the probationary period for up to an additional three (3) months with the approval of the County Manager when needed to properly evaluate the performance of a probationary employee. In such cases, the employee must be notified of the purpose of the extension, the conditions and performance expectations, and the length of time of the extension. Probationary periods may also be extended by absences from work, such as a Family Medical Leave. Under no circumstances will the probationary period be shortened.

Employees appointed to a new position in the County shall serve a nine (9) months Probationary Period. If an employee appointed to a new position is found to be unsuited for that position, the County at its sole discretion, may reinstate the employee to his/her former position and former rate of pay if the County determines that such reinstatement is possible. Reinstatement is not guaranteed.

Prior to the completion of the probationary period, the employee's supervisor and/or the Department Head must review the performance of the probationary employee and provide the County Manager with a written recommendation to retain or dismiss the employee.

Employees who are initially employed at a salary less than minimum for their class may receive an increase to the minimum of that class at the completion of the probationary period.

#### **Section 16. Completion of the Probationary Period**

A performance evaluation will be completed and reviewed with the employee before the end of the probationary period. The Department Head will then notify the County Manager as to whether the employee's performance has been satisfactory or not, and whether the employment relationship should be continued.

In the case of Department Heads, the County Manager will evaluate the employee and determine whether or not to upgrade the employee's status to that of a regular employee.

If the notification indicates the employee has successfully completed the probationary period, the employee will become a regular employee within the meaning of this policy, serving at the will of the Board of County Commissioners. The employee's length of service will be computed from his/her date of hire.

#### **Section 17. Changes in Employment Status**

##### **Reclassification**

A recommendation for an individual to receive a reclassification will be made on the basis of job content, resulting from significant changes in the kind, difficulty, or responsibility of the work performed in the position. A reclassification may warrant an increase or decrease in points and/or salary range. On the Department Head's recommendation, the County Manager may recommend reclassification of a position.

##### **Demotion**

Employees may be demoted if they have been found unsuited for the present position but may be expected to perform satisfactorily in a lesser position. Employees may also be demoted if their position(s) has been abolished or reclassified to a lower class and they cannot be transferred to a position of equal pay for which they are qualified and suited.

Employees who are demoted due to reclassification, restructuring or other organizational change unrelated to performance, shall not normally suffer a pay cut. In this case, if an employee's pay was above the range (salary grade maximum) for the new position, his/her pay will be frozen until such time as annual adjustments increase the salary range above the employees' salary.

If the demotion was disciplinary and/or due to performance problems, the salary will be readjusted based on the established salary grade of the new position.

Demoted employees may appeal the decision in accordance with the Grievance Process outlined in Article XII.

### **Transfer**

The County may initiate or approve employee transfers from one location to another or one position to another with the same or comparable level of job duties and responsibilities and the same salary range.

The County may require employees to make either a temporary or long-term job transfer in order to accommodate business or operational needs. Employees interested in transfer must meet the requirements of the new position, must have been employed in their current position for a minimum of six (6) months, and must meet the established standards of the position, these requirements may be waived upon approval of the County Manager.

Opportunities for position transfer will be posted internally for five (5) days. Employees interested in a position transfer must complete an Application for Employment prior to the posting deadline.

Transfers may be initiated by the County or an employee due to organizational or operational needs including but not limited to: temporary workload imbalances, County restructuring, dislocations cause by position elimination or reduction in force, a desire for new or broader experience, better utilization of skills, or accommodations for disabilities or medical reasons

### **Promotion**

Employees may apply for appointment to a position requiring higher qualifications such as greater skill or more experience and involving a higher level of responsibility, a higher rate of pay, and a title change which is considered a promotion and will be classified as such in all personnel documents. Promotions will be made without regard to the race, color, sex, religion, age, ethnic origin, or disability of the employee.

Employees who desire to apply for a particular job must complete an Application for Employment prior to the posting deadline. Additionally, supervisors and Department Heads can recommend employees as candidates for promotion.

Qualified candidates will be interviewed by the head of the department in which the job opening occurs. Employees applying or being considered for promotion will be allowed time off with pay for job interviews related to promotion.

The head of the employing department is responsible for select the most qualified applicant for the position. In evaluating current employees for promotion, the following factors will be considered:

- a. Job relevant qualifications
- b. Performance evaluations
- c. Letters of recommendation from former supervisors

### **Section 18. Appointments of Department Directors and Managers**

The County Manager shall make all appointments of department directors or managers under his or her direction, except those elected or appointed by the Board of County Commissioners or other boards established by General Statute.

### **Section 19. Interim Appointment**

The County Manager may designate a County employee to serve in an acting capacity when a Department Head or supervisory position is vacant due to a resignation or due to an approved leave of absence of more than four weeks,

or as deemed appropriate. Employees serving in an acting capacity may be compensated to reflect the increased duties they have assumed until an appointment to the position has been made, a leave of absence has been completed, duties are reassigned, or another personnel action is taken which no longer requires an employee to serve in an acting capacity.

#### **Section 20. Work Schedules**

The County Manager shall establish standard hours of operation for County departments to provide for the efficient conduct of County business. The County Manager shall make adjustments to the standard hours of operation and department work schedules, as needed, to meet service and operational needs. No County office shall be closed at any time without the prior knowledge and approval of the County Manager, except in cases of emergency.

The normal workday consists of eight (8) hours. The normal work week for regular full-time employees shall consist of forty (40) hours. Department Heads shall work the number of hours necessary (not less than the established work week) to assure satisfactory performance of their duties.

Work schedules for public safety personnel shall be determined by the County according to the needs of Edgecombe County.

The County Manager may approve modified work schedules for individual or groups of employees, so long as there is no interruption of department or County functions and efficient provision of services.

#### **Section 21. Work Week**

All employees whose overtime is governed by the Fair Labor Standards Act (FLSA) shall accrue overtime compensation in accordance with the provisions of the FLSA. The standard workweek shall be from 12:01 AM on Sunday through 12:00 AM on Saturday, unless an alternate schedule has been so designated by the County Manager. Department Heads, supervisors and other exempt employees under the FLSA shall work those hours necessary to ensure satisfactory performance of their departments, but not less than 40 hours per week. Law enforcement personnel shall not exceed 171 hours within a 28-day work period in accordance with the law enforcement exemption set forth in the FLSA.

#### **Section 22. Overtime – Non-Exempt Employees**

All employees governed by the FLSA shall maintain true, complete and legible time records. All time worked shall be recorded to the nearest one-quarter hour and shall be submitted to the supervisor in a timely fashion. Supervisors shall arrange the work schedule of their employees to accomplish necessary work within an average workday and workweek, except in those cases where excessive hours of work are necessary.

Non-exempt employees, in all departments, may be required to work overtime as requested by their supervisor. Refusal to work overtime may result in disciplinary action. Supervisors will make reasonable efforts to balance the personal needs of their employees when assigning overtime work

All overtime must be authorized in advance by the employee's supervisor and Department Head, except in emergency situations where conditions are such that prior approval cannot be obtained, and in such event approval shall be obtained immediately subsequent to the emergency overtime worked, except when overtime is mandated by shift scheduling. Excessive, emergency or ongoing overtime must have written approval by the County Manager. An employee who works overtime without approval may be subject to disciplinary action.

The County's overtime policy complies with applicable state and federal laws governing accrual and use of overtime. Only employees to whom the overtime provisions of the State or Federal Fair Labor Standards Act applies are required to be compensated for overtime work. The Human Resources Director determines the FLSA status of a position and whether the position is designated as "exempt" or "non-exempt" from earning overtime. In general, employees in executive, administrative and professional job classes as defined by the federal Fair Labor Standards Act are exempt; all others are non-exempt.

All overtime eligible employees will be compensated at the rate of one and one-half (1 ½ x) times their base hourly rate or will earn compensatory time at the rate of one and one-half (1 ½) hours for each hour worked over forty (40) in a workweek. Annual leave, holidays, sick leave or any other paid leave time do not count toward "hours worked" for purposes of overtime. Overtime and compensatory time shall be calculated to the nearest one-quarter (1/4) hour. Compensatory time may be accumulated to a maximum of eighty (80) hours, unless approved by the County Manager. Employees may request and use compensatory time off in the same manner as other leave requests. Compensatory time shall be exhausted prior to the approval of sick leave, vacation leave, or leave without pay. All compensatory time shall be marked as such on official timesheets, both when it is earned and when it is taken. Each Department shall maintain compensatory time records. All compensatory time accrued will be paid when the employee leaves County employment at the rate the employee is earning at that time.

Law Enforcement personnel will be scheduled on a twenty-eight (28) day work period and will be compensated at the rate of one and one-half (1 ½ x) their base hourly rate or will earn compensatory time at the rate of one and one-half (1 ½) hours for each hour worked over one hundred seventy-one (171) hours in a twenty-eight (28) day work period. Law Enforcement personnel shall earn hour for hour compensatory time for all hours worked in excess of the scheduled shift in a work day, when the work does not result in hours worked in excess of one hundred seventy-one (171) hours in a twenty-eight (28) day work period. Compensatory time may be accumulated to a maximum of eighty (80) hours. The County will not be liable for overtime pay which is a result of voluntary shift switching among deputies.

The County Manager may change the work schedules of County employees as needed.

### **Section 23. Overtime-Exempt Employees**

Exempt employees are exempt from the overtime requirements of the federal Fair Labor Standards Act and are expected to work whatever hours are necessary in order to meet the performance expectations outlined by their supervisors or the County Manager. In addition, exempt employees are normally ineligible to receive compensatory time off for working additional hours over and above forty (40) hours in a workweek. However, should exempt employees be required to work on a designated holiday or for inordinately long periods outside of the normal business day, the County Manager, at their discretion, may authorize compensatory time.

### **Section 24. On-Call**

The County provides continuous twenty-four hour a day, seven day a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. A condition of employment with the County is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary action up to and including termination.

The County provides compensation for employees who are required to be available for after hours on-call coverage. Compensation for time spent while on-call and for time spent when actually called back to work shall be determined according to the following:

**On-Call/Stand-by.** Non-exempt employees required to be on "stand-by" will be paid eight hours for each week

(approximately 128 hours, excluding work time) of stand-by. Stand-by compensation for less than one full week shall be determined by the ratio of .08 of pay per hour of stand-by time. Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. Stand-by time is defined as that time when an employee must remain near an established telephone or otherwise substantially restricted personal activities in order to be ready to respond when called.

The County Manager may approve exceptions to this pay provision for specific classes of jobs when unique demands of the work create recruitment and/or retention problems and affect the County's ability to be competitive. The Manager will inform the Board of Commissioners and the Human Resources Office will maintain documentation on the justification for the exception and the approved alternate on-call practice. Exceptions will be reviewed annually and a determination made on whether the exception is still required or should be abolished. As jobs and/or the market changes, practices approved as exceptions will be changed as appropriate.

The County Manager or designee must approve on-call standby schedules. The Finance Office shall maintain a list of employees who are approved for on-call compensation arrangements.

**Call Back.** Non-exempt employees shall receive a minimum of two hour's pay for being called back to work outside of normal working hours. For time periods above two hours, compensation will be for actual time worked. Should this additional time exceed the standard hours of work for the workweek or pay period, overtime pay rules and regulations shall apply. Call-back provisions do not apply to previously scheduled overtime work.

#### **Section 25. Meal Periods and Rest Breaks**

The County recognizes that certain breaks in the daily schedule promote employee health and productivity. Employees may take one fifteen (15) minute break for every four (4) hours worked. These breaks must be arranged so that they do not interfere with County business or continuous service to the public. Full-time employees are provided a one (1) hour unpaid meal break for each full-time shift worked. The meal break is not paid, not included in the computation of overtime, nor included in the computation of a normal work shift or payroll period. In order to provide for continuity in County operations, the timing of all breaks is subject to the approval of the supervisor in charge. Rest periods cannot be used to shorten the workday or be banked from day to day.

#### **Section 26. Pay Days**

Employees shall be paid on a monthly basis. The pay period is from Sunday through Saturday 12 a.m. When a payday falls on a holiday, employees shall be paid on the preceding workday. Employees with discrepancies in their pay are to immediately report the discrepancy to their supervisor. All employees are required to receive their pay either by direct deposit or in electronic form.

#### **Section 27. Report of Personnel Changes**

The County attempts to maintain complete and accurate personnel information on its employees. Laws regarding data privacy are strictly followed.

It is important that employee permanent personnel records are kept accurate and up-to-date. Individual employees must immediately notify the Human Resources Director or their designee when there is a change in any of the following:

- a. Name (through marriage or otherwise)
- b. Address
- c. Marital status

- d. Beneficiaries for life insurance and retirement
- e. Telephone number
- f. Person to contact in case of emergency

Most of the data is private and is not revealed without individual employee's permission.

### **Section 28. Performance Evaluation**

Performance evaluations are an opportunity for employees, supervisors, and the County to assess an individual's job performance and are an essential part of a safe, efficient and productive work environment. The performance evaluation system is designed to:

- a. Ensure that quality services are provided to the public and County's customers in a cost effective manner;
- b. Motivate and develop employees to their fullest potential;
- c. Identify employee strengths and recognize developmental needs;
- d. Clarify roles and mutual expectations of supervisors and employees;
- e. Mutually establish goals and objectives for employees;
- f. Ensure open and ongoing communication between employees at all levels, including feedback from subordinates to supervisors; and
- g. Establish compensation levels based on individual employee performance.

An employee's immediate Supervisor will conduct a performance evaluation on an annual basis or more frequently if prescribed by the County Manager or the employee's Department Head. The performance evaluation will be used for identifying problem areas in an employee's performance, identifying the need for further training and development, establishing goals and as a factor in granting performance pay increases and promotions. The performance evaluation will be in writing and shall be signed by the employee and the supervisor.

In addition to annual performance evaluations, employees will be evaluated at the completion of a Probationary Period or any time the employee's supervisor or Department Head believes it is in the best interest of the employee and/or the County to conduct an evaluation. Employees who have been promoted, demoted, transferred or have otherwise changed employment status during the prior twelve (12) month period and, as a consequence, experience a change in their anniversary date will be evaluated on their new anniversary date.

Performance evaluations are non-grievable personnel actions.

The appropriate supervisor or Department Head shall annually review the performance of the each employee within one (1) week of the employee's anniversary date with the County. This annual review must take place and the documentation received in the County Manager's office. Performance shall also be evaluated at the time of a transfer or promotion so that the entire year's work history is reflected. The supervisor shall ensure that all changes in employee duties are reviewed and incorporated into a current job description. Employees shall receive a copy of the performance evaluation and the performance evaluation shall be placed in the employee's official personnel file in the County Manager's Office or Human Resources Department.

### **Section 29. Attendance**

Every County employee has an important role to play in maintaining a productive workplace. Therefore, it is essential that all employees be regular in their attendance during all scheduled hours of work. Unsatisfactory attendance, including reporting late and leaving early, may be grounds for disciplinary action, up to and including termination.

If an employee must be absent from work for any reason, other than approved time off, the employee must notify his/her immediate supervisor at least thirty (30) minutes prior to the start of his/her normal working hours. If an emergency prevents the employee from notifying his/her supervisor at such time, the employee is expected to call as soon as practicable during the workday.

The County reserves the right to require an employee to provide documentation from the employee's doctor or professional health care provider verifying the illness or injury which results in absence from work.

### **Section 30. Employment of Relatives**

For purposes of this policy, immediate family is defined as spouse, parent, guardian, sibling, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, grandchild, step-parent, stepbrother, or stepsister, and half or adopted relationships that can be derived from those named.

The following provisions are applicable to all employees:

- a. Members of an immediate family may be employed in the same Agency, Department, or Division provided that a member of that immediate family does not directly supervise and exercises no control over the employment or employment activities of another member of the immediate family.
- b. Members of an immediate family may not participate in the decision to hire a member of their immediate family.
- c. Immediate family members of individuals holding the following positions are not prohibited from employment in a permanent position in the County: County Board of Commissioners Member, County Manager, Assistant County Manager, Director of Finance, Human Resources Director, County Clerk or County Attorney.
- d. The Board of Commissioners will approve the appointment by the Sheriff or by the Register of Deeds of a relative by blood or marriage of the nearer kinship than first cousin as required by Chapter 153A-103(1) of the North Carolina General Statutes.

If the family relationship that violates this policy is established after employment, the employees involved shall decide who will seek a position change, if a position change is available for which that individual qualifies or who is to terminate their employment with the County. If a decision is not made within 30 calendar days, the County Manager shall make the decision.

Department Heads shall ensure that this policy is enforced when making recommendations for employment, promotions, transfers or demotions. Any concerns or questions regarding an applicant's or an employee's eligibility under this policy shall be directed to the County Manager.

### **Section 31. Supplemental Employment**

The County does not restrict employees from engaging in outside employment. However, the County expects regular, full-time employees to consider the County their primary employment. The County will not condone outside employment that interferes with the performance of an employee's duties with the County or which represents a conflict of interest. The County will not change work hours to facilitate the scheduling of any outside employment. All outside employment must be reported in writing and approved by the employees Department Head and/or County Manager. Conflicting supplemental employment may be grounds for disciplinary action up to and including termination

### **ARTICLE III. CONDUCT**

#### **Section 1. Applicability**

These provisions shall be applicable to all County employees subject to this chapter and, where applicable to its public officials.

#### **Section 2. Ethics of Employment**

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

As stewards of public resources and holders of the public trust, County employees are expected to uphold the highest standards of ethical conduct while fulfilling their job duties and responsibilities. The County finds that it is in the public interest and general welfare of the County and its citizens that a statement of ethics be established for all employees of the County.

Employees shall not use their official position for personal gain, engage in any business or transaction or have a financial interest, direct or indirect, which is in conflict with the proper performance of their official duties.

#### **Section 3. Conduct Standards**

To ensure orderly operation and provide the best possible work environment, the County expects employees to follow the conduct standards, which are designed to protect the interests and safety of all employees and the County. County employees shall observe the highest standards of professional behavior at all times both within the County government and with the general public in all matters.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. Examples of infractions of the conduct standards, which may result in disciplinary action, up to and including suspension or dismissal, are listed under Causes for Disciplinary Action in Article XIII, Section 5.

Employment with the County is by the mutual consent of the County and the employee, and either party may terminate this relationship at any time.

#### **Section 4. Political Activity Restricted**

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

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

- e. Use any supplies or equipment of the County for political or partisan purposes; or
- f. Be a candidate for nomination or election to the office of Edgecombe County Commissioner.

Any violation of this section shall be deemed improper conduct and shall subject the employee to disciplinary action under this policy, up to and including termination of employment.

#### **Section 5. Conflict of Interest**

The credibility of local government rests heavily upon the confidence which citizens have in public officials and employees to render fair and impartial services to all citizens without regard to personal interest and/or political influence. Thus County Officials and employees must scrupulously avoid any activity which may suggest a conflict of interest between their private interests and County responsibilities. Elected officials and employees of the County, or their family members, shall not engage or have financial interest in any business or other activity which could reasonably lead to a conflict of interest with the official's or employee's primary County responsibilities. Examples of activities which are not in accordance with this policy include, but are not limited to, the following:

- a. Activities which require the official or employee to interpret County laws, codes, ordinances, or regulations when such activity involves matters with which the official or employee has business and/or family ties.
- b. Consulting activities carried out within the County if such consulting involves talents or skills primarily related to the officials of employee's County work responsibilities.
- c. Using an officials or employee's authority, influence, or County position for the purpose of private or personal financial gain.
- d. The use of County time, facilities, equipment, or supplies for the purpose of private or personal financial gain.
- e. Entering into a business transaction when it involves using confidential information gained in the course of employment.
- f. Accepting other employment or public office where it will affect the officials or employee's independence of judgment or require the use of confidential information gained as a result of County duties.
- g. Conducting personal business while working regularly scheduled hours.
- h. Accepting rebates or procuring any financial gain through the bidding process or employment of outside personnel.

Any official or employee engaging in any activity involving either an actual or potential conflict of interest or having knowledge of such activity by another official or employee shall promptly report the activity to the County Manager, or if such activity be by the County Manager, to the Board Chair. The County Manager or Board Chair shall investigate the matter and make a determination as to whether or not an actual or potential conflict exists. If the County Manager or Board Chair determines a conflict exists, it shall be presumed that the continuation of the practice would be injurious to the effectiveness of the official or employee in carrying out his/her duties and responsibilities. In such cases the official or employee shall immediately terminate the conflicting activity or be subject to termination of employment or removal from office.

For the purposes of this policy, the term official shall include all elected and appointed officials of the County including, but not limited to, the County Board of Commissioners, other elected officials, and members of boards and commissions. Employee shall include any individual employed by the County on a full or part-time basis. No elected official shall require, either directly or indirectly, any employees of the County to campaign on his/her behalf as a condition of employment. No employees shall use County time or resources in promoting or advocating the election of any individual.

No employee or official shall use or disclose information gained in the course of employment or by reason of position for purposes of advancing a financial or personal interest, a business entity in which there is an ownership interest, a financial or personal interest of a household member or a family member, or any other private or political interest to the detriment of the County.

No employee or official shall disclose confidential or privileged information concerning personnel matters, property, contract negotiations, litigation related matters, or other affairs of the County that are afforded protection under state law.

Nothing in this policy is intended to violate, supersede, or conflict with any applicable state or federal law regarding conflicts of interest in public employment or disclosure requirements.

#### **Section 6. Gifts and Favors**

No County employee shall directly or indirectly solicit any gift, or accept or receive any gift having any value, whether in the form of services, loan, travel, entertainment, hospitality, thing or promise or any other form, where the circumstances indicate it is an exchange for an official act or the circumstances indicate it was intended to influence the performance of an official duty or reasonably raises such an inference. Legitimate political contribution shall not be considered as gifts.

This section is not intended to prohibit customary gifts or favors in circumstances where it is clear that the relationship rather than the official business of the individual concerned is the motivating factor for the gift or favor. Nominal gifts that are provided to a department or group of County employees, such as fruit baskets, cookie tins, assorted candies, etc., may be accepted provided it is approved by the Department Head and made available to all employees in the department or group.

No County employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

Violation of this subsection of Article 6 shall be reported to the Edgecombe County Manager's office. Employees found in violation of this subsection shall be subject to disciplinary action, up to and including termination. Elected or appointed officials found in violation of this subsection shall be reported to appropriate law enforcement authorities.

#### **Section 7. Auctions or Sales of County Property**

No elected or appointed official serving Edgecombe County government or any active Edgecombe County employee, regular or temporary, shall purchase or receive any County surplus property offered for sale or trade. Said officials and employees are not to bid or negotiate for the sale or transfer of County surplus property while in service to Edgecombe County or while in the employ of Edgecombe County.

#### **Section 8. Workplace Harassment**

- a. The County opposes harassment by anyone at any time in any form.
- b. The purpose of this policy is to establish that Edgecombe County prohibits unlawful workplace harassment to employees and to ensure that Edgecombe County work sites are free of unlawful workplace harassment. This policy also prohibits retaliation against employees who file complaints, witnesses to unlawful workplace harassment, and persons providing evidence in relation to harassment complaints. This policy also

provides for disciplinary action for violations, up to and including termination, and to establish employee rights in such cases.

- c. It shall be the policy of Edgecombe County that no employee may engage in conduct that falls under the definition of unlawful workplace harassment. All employees are guaranteed the right to work in an environment free from unlawful workplace harassment and retaliation. Edgecombe County will thoroughly investigate all complaints made by employees and will take appropriate remedial or disciplinary action up to and including dismissal. The desired standard of employee behavior is one of cooperation and respect for each other despite any differences.
- d. All employees, including appointed and elected full-time and part-time employee, and temporary and seasonal employees are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related settings outside the workplace, such as during business trips, business meetings and business related social events.

## Section 9. Definitions

**UNLAWFUL WORKPLACE HARASSMENT:** Unwelcome and unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color or disability that creates a hostile work environment or circumstances involving quid pro quo sexual harassment.

**HOSTILE WORK ENVIRONMENT:** One that both a reasonable person would find hostile or abusive and one that the particular person who is object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance or adversely affects the employees employment opportunities. Conduct that may rise to the level of creating a hostile work environment includes verbal, nonverbal or physical behavior

**QUID PRO QUO:** Harassment consists of unwelcome sexual advances, request for sexual favors, or other verbal, visual, written or physical conduct of a sexual nature when:

- a. The employee is told or threatened, expressed or implied, that submission to the conduct will influence any personnel decision employment, wages, advancement, assigned duties, shifts, or any other condition of employment or career development;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or;
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Some types of prohibited sexual harassment include, but are not limited to:

- a. Verbal: Which may include propositions or innuendo, lewd or sexually offensive comments; humor, jokes or teasing about sex or gender specific traits, rumors about other employees, verbal abuse, and insults.
- b. Nonverbal: Sexually oriented gestures, signs, cartoons, pictures, cards, books, magazines, graffiti, or paraphernalia; whistling; email, internet, or other computer transmissions.
- c. Physical: Any unwelcome touching which includes rubbing, patting, pinching, or brushing the body.

**RETALIATION:** Adverse treatment which occurs because of opposition to unlawful workplace harassment.

### **Role of Department Heads and Supervisors**

Department Heads and supervisors are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy. They shall establish and maintain a climate in the work unit which encourages employees to communicate questions or concerns regarding this policy; recognize incidents of unlawful workplace harassment; take immediate corrective action to eliminate such behavior; and notify the County Manager so that consistent investigatory procedures may be implemented. Any Department Head or supervisor who observes, is confronted with, or becomes aware of a situation involving unlawful workplace harassment must advise the offending individual(s) to stop the harassing behavior and report the situation immediately to the Department Head and the County Manager. Supervisors and managers who fail to respond immediately and appropriately to perceived unlawful workplace harassment may result in disciplinary action, up to and including termination.

### **Complaint Procedure for Unlawful Workplace Harassment**

Any employee who feels he/she is being subjected to unlawful workplace harassment should immediately contact: his/her immediate supervisor, Department Head or the County Manager or designee. This procedure does not require reports to be made to the immediate supervisor or to anyone the employee believes to be participating in the unlawful workplace harassment. Employees are encouraged to speak with whomever they feel the most comfortable from those listed above. A supervisor, Department Head, or the County Manager or designee will prepare a written statement documenting the complaint. Complaints of unlawful workplace harassment will be kept as confidential as possible while the matter is thoroughly investigated and promptly dealt with as appropriate. Under no condition will the investigation be conducted by or under the direction of the person(s) reported to have engaged in the unlawful workplace harassment.

Investigations of any and all reported incidents will be authorized by the County Manager and by the Board of Commissioners if the complaint involves the County Manager. The employee who is accused of unlawful workplace harassment may be placed on administrative leave while the investigation is being conducted. An investigation of the complaint will be completed as confidentially as possible, and a written report shall be completed by the investigator. Within a reasonable period of time, a determination based on the written report shall be made whether the conduct of the person against whom a complaint has been made constitutes unlawful workplace harassment. In making that determination, the report as a whole and the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person accused of unlawful workplace harassment shall be reviewed.

If it is determined that the complaint of unlawful workplace harassment is founded, immediate and appropriate disciplinary action shall be taken against consistent with applicable laws and policies. The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee and any other factors deemed appropriate. A determination of the level of disciplinary action shall also be made on a case-by-case basis. A written record of disciplinary action taken shall be kept, including oral reprimands. The results of the investigation and the nature of the disciplinary action will be communicated to the County Manager, the complainant, the offender as well as the affected Department Head. Either party to the complaint may appeal the decision through the complaint procedure outlined in these policies.

Employees are obligated to cooperate in every investigation of unlawful workplace harassment. Employees are also obligated to refrain from filing bad faith complaints of unlawful workplace harassment.

Disciplinary action may also be taken against any employee who fails to report instances of unlawful workplace harassment or who fails or refuses to cooperate in the investigation of a complaint of unlawful workplace harassment or who files a complaint of unlawful workplace harassment in bad faith.

The County prohibits retaliation against the person making the complaint of unlawful workplace harassment, witnesses, or any other persons connected with the investigation. Individuals who engage in retaliation will be subject to immediate discipline up to and including termination.

### **Unlawful Workplace Harassment by Non-Employees**

When reports of unlawful workplace harassment against an employee in the workplace involve a non-employee, the County will support appropriate steps to address the unlawful workplace harassment.

### **Section 10. Workplace Violence**

It is the County's intent to provide a safe and secure workplace that is free from violence. Violent acts against employees whether committed while on or off-duty have the potential to impact an employee's ability to perform assigned duties.

Violence, or the threat of violence, by or against any County employee or other person while at a County workplace is unacceptable and may subject the individual to disciplinary action up to and including termination, and/or criminal charges.

The County will take every reasonable action to protect the life, safety and health of employees and will provide as rapid and coordinated a response as possible to violence or threats of violence at any worksite.

### **Prohibited Conduct**

The County will not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

The following behaviors, while not inclusive, provide examples of conduct which is prohibited:

- a. Causing injury to another person;
- b. Making threatening remarks;
- c. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- d. Intentionally damaging County property or the property of another individual;
- e. Possession, use, or threat of use of a weapon or object which could be considered a dangerous weapon, including all firearms while on County property or while on County business, unless permitted and authorized to do so in the performance of assigned duties and responsibilities, and;
- f. Committing acts motivated by, or related to, sexual harassment, abuse, or domestic violence.

### **Reporting Procedures**

All workplace violence or potentially dangerous situations must be reported immediately to a supervisor of the County Manager's office. Reports may be made anonymously, and all reported incidents will be investigated. Reports or

incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. Retaliation against any employee, who, in good faith, reports a violation of this policy, is prohibited. Every effort will be made to protect the safety and confidentiality of anyone who comes forward with concerns about a threat or act of violence. All parties involved in a situation will be counseled and the results of investigations will be discussed with them to the fullest extent allowed without breaching confidentiality restrictions. The County will actively intervene at any indication of a possible hostile or violent situation.

### **Risk Reduction Measures**

**Hiring.** The County takes reasonable measures to conduct background investigations to review candidates backgrounds and reduce the risk of hiring individuals with a history of violent behavior.

**Safety.** The County conducts inspections of premises to evaluate and determine vulnerability to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.

**Individual Situations.** There is no expectation that employees be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and inform their supervisor if any employee or individual exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes, but is not limited to:

- a. Bringing (unless permitted and authorized to do so in the performance of assigned duties and responsibilities) or threatening to bring weapons to the workplace;
- b. Displaying overt signs of extreme stress, resentment, hostility, or anger;
- c. Making threatening remarks;
- d. Sudden or significant deterioration of performance, and;
- e. Displaying irrational or inappropriate behavior.

### **Dangerous or Emergency Situations**

Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

### **Enforcement**

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Violent conduct has a potentially adverse impact on an employee's ability or the ability of another employee to perform assigned duties and responsibilities. Any employee found to have committed such acts, while functioning in the course and scope of employment as well as when off-duty will be subject of disciplinary action, up to and including termination. Non-employees engaged in violent acts on or off County property will be reported to the proper authorities and fully prosecuted.

### **Section 11. Smoking and Use of Tobacco**

Employees are permitted to smoke or use tobacco in designated smoking areas only. Employees are prohibited from smoking or using tobacco in non-smoking areas.

Department Heads are responsible for ensuring that all County employees adhere to smoking and tobacco use policies. Employees violating this policy may be subject to disciplinary action up to and including termination.

## **Section 12. Appearance and Dress Guidelines**

The appearance of County employees is a direct reflection on the professionalism of County services. County employees meet with the public as part of the regular workday. A neat, well-groomed employee will present a positive image of the County.

All employees should dress in a reasonable manner and use good judgment when choosing attire. Clothing shall always be clean, neat, and in good repair. Favorable personal appearance is an ongoing requirement of employment. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Cologne and perfume should be worn in moderation. County offices are open to the general public; therefore, employees are expected to dress in a manner that is normally acceptable in similar business establishments.

Dress needs vary by department and job function. Employees in certain departments must wear uniforms or casual types of clothing due to specific job duties and conditions of the position, including safety, excessive wear and tear on clothing, and appropriateness for job performance. Individuals who spend a portion or all of the day in the field need to dress in a manner appropriate to their jobs, as determined by the Department Head, and approved by the County Manager.

## **Section 13. Occupational Safety and Health Act**

It is the policy of the County to comply in all respects with the 1970 Occupational Safety and Health Act (OSHA) and all amendments thereof. The County Manager shall establish or approve policies and procedures relative to compliance with OSHA.

## **Section 14. Accident Involving County Equipment**

Accidents involving the use of County equipment or occurring on County property, whether or not they result in injury, shall be reported to the employee's immediate supervisor. The employee and supervisor shall follow County policies and procedures for the reporting of accidents.

## **Section 15. Reporting Accidents**

- a. An employee who is injured in the performance of assigned duties shall immediately report the accident to his or her immediate supervisor and the County Manager.
- b. The supervisor shall be responsible for ensuring an injury report is completed and submitted to the County Manager within three (3) workdays of a reported injury.

State statutes require all accident reports to be filed within five (5) days after knowledge of the accident.

## **Section 16. Maintaining County Security**

### **Keys, Card Access and Security**

Keys, security access cards and employee identification badges are issued to County employees to promote the security of County buildings, offices, equipment and supplies, and records and to protect the County from theft or damage to these assets.

**Keys and Card Access.** County employees will be given only keys or access cards necessary for work-related purposes. Approval of the issuance of keys or access cards must be given by the appropriate Department Head. Keys and access cards to County buildings and other County facilities and equipment are the property of Edgecombe County and must be returned immediately upon request by the County or upon separation from County employment. An employee who loses or misplaces a County-provided key or access card must report this situation immediately to the Department Head.

Employees will be responsible for maintaining their County-provided keys and access cards in a safe manner. Unauthorized copying of keys is prohibited. If additional keys are needed, a request must be made through the employee's Department Head. Keys and access cards shall not be issued to persons who are not County employees, unless approved by the appropriate Department Head and the County Manager.

### **Section 17. Use of County Vehicles for Commuting**

The Board of Commissioners or County Manager may determine that certain County positions shall have access to a County vehicle for commuting purposes where it is deemed to be in the best interest of the County to reduce travel time, compensatory time or overtime, or improve efficiency of County business. These vehicles shall be utilized for County business only.

Any employee operating a County vehicle for commuting purposes are subject to the following conditions:

- a. Vehicle shall not be used for commuting purposes outside the County, with the exception of vehicles used for law enforcement and Cooperative Extension purposes.
- b. Vehicle shall be kept in a safe and secure location on nights and weekends.
- c. Employees shall not use vehicles for personal use.
- d. The County will follow IRS regulations concerning the use of employer-provided vehicles.
- e. Operate the vehicle in accordance with the County's safety policy.
- f. Wear seat belts at all times.
- g. While driving, refrain from using a cell phone and comply with the County's cell phone policy.
- h. Refrain from smoking at all times.

Failure to operate County vehicles or motorized equipment as prescribed by policies, procedures, work rules, or federal and state law, may result in disciplinary action up to and including termination.

### **Section 18. Driver's License Requirements and Driving Record**

Employees who operate County vehicles as part of the essential duties of their position are required to have possession of an appropriate driver's license valid in the State of North Carolina and proof of coverage as an insured driver. Any employee whose license is revoked, suspended, or lost or whose insurance coverage is terminated must notify his/her Department Head immediately. The employee will be unable to resume operating a County vehicle until providing proof of a valid driver's license and insurance coverage to the Department Head. Employees who are not able to perform essential job duties due to the suspension or revocation of their driver's license may be placed on unpaid leave or terminated.

### **Section 19. Required Licenses, Certifications and Registrations**

Employees may be required to obtain or maintain licenses, certifications or registrations as required by law, rule, regulation, occupation boards or the duties of their position. Employees who fail to obtain or maintain any license,

certification or registration required by law, rules or provision as required by the duties of the position may result in disciplinary action up to and including termination.

#### **Section 20. County Property**

Employees may be issues or have access to County property as a condition of employment with the County. Employees are expected to maintain County property in proper and safe working condition and report any loss or damage to their Department Head. Employees may be held responsible for damage or loss of any assigned County property that is damaged or lost due to negligence, misuse or abuse. Employees are expected to return any County property in their possession upon termination of employment. The employee's Department Head will determine if the employee is responsible for replacement or repair of lost or damaged equipment and the cost may be deducted from the employee's wages.

### **ARTICLE IV. POSITION CLASSIFICATION PLAN**

#### **Section 1. Adoption of Classification Plan**

The County will establish and maintain a Position Classification Plan. The County Board of Commissioners has responsibility for adopting the position classification plan that assigns all County positions to position classifications. This position classification plan shall include all classes of positions in the County. The position classification plan shall be maintained to reflect the current responsibilities and requirements and other applicable factors. For each position there shall be a written position or class description which will include the following:

- a. Position or classification title;
- b. FLSA status;
- c. A position summary which explains the nature of the work responsibilities of the position;
- d. The essential duties and responsibilities;
- e. Position requirements such as the knowledge, skills, and abilities necessary for performance of the work;
- f. A statement of the education, experience and training required, and desired (if different) for recruitment;
- g. Specialized requirements such as licensures, certifications, or registrations; and
- h. Physical requirements and working conditions in compliance with the Americans with Disabilities Act.

#### **Section 2. Allocation of Positions**

The County Manager, assisted by the Human Resources Director and in consultation with the appropriate Department Head, shall approve the allocation of each position covered by the position classification plan to its appropriate class.

#### **Section 3. Maintenance of Classification Plan**

The County Manager, assisted by the Human Resources Director shall be responsible for the administration and maintenance of the position classification plan to ensure that position classifications accurately reflect the essential duties and responsibilities, required knowledge, skills, and abilities, and other requirements. Department Heads shall be responsible for notifying the Human Resources Director of substantive changes in the nature of the duties, responsibilities, working conditions, or other factors affecting the classification of any existing position in their department.

The Human Resources Director shall review and analyze changes in position classifications and determine whether the change in the nature or level of duties and responsibilities warrants a revision or reassignment of the position classification, establishing a new position classification to which the position is assigned, or take other appropriate action.

The Human Resources Director shall determine whether changes in a position classification warrants a review of the job evaluation points assigned to a position classification and if so, whether that change results in a change in the position classifications assigned grade in the compensation plan.

The Human Resources office shall maintain all official position descriptions for all County positions.

#### **Section 4. Classification of New Positions**

The Human Resources Director or his designee shall be responsible for analyzing and assigning new positions to existing position classifications or to a new position classification, and evaluating the new position classification for placement in the County's Compensation Plan.

#### **Section 5. Amendments of Position Classification Plan**

The Board of Commissioners shall approve amendments to the position classification plan by adding, changing, or deleting positions or classes of positions and salary grades based on internal analysis and market comparisons within the authorized budget allocation, based upon the County Manager's recommendations. New positions shall be established upon recommendation of the County Manager and approval of the Board of Commissioners.

#### **Section 6. Use of the Position Classification Plan**

The classification plan is used for the following:

- a. As a guide for recruiting and determining eligibility of applicants for employment in County positions;
- b. In determining lines of promotion and promotion eligibility;
- c. Development of employee training programs;
- d. Determining compensation levels for position classification, and;
- e. Providing uniform job terminology

#### **Section 7. Administration**

The Edgecombe County Board of Commissioners authorizes the County Manager to implement the Position Classification Plan upon approval by the Board of Commissioners.

#### **Section 8. Request for Reclassification**

Requests for reconsideration should be submitted, in writing, by the Department Head to the Human Resources office. The request should include the specific reasons for the request for reclassification. Upon receipt of the request the Human Resources Director or designee shall study the request, determine the merit of the request for reclassification and resent a recommendation to the County Manager. If approved, the Human Resources Director, or designee shall make the necessary changes to maintain a fair, equitable and accurate classification plan.

### ***ARTICLE V. COMPENSATION***

#### **Section 1. Coverage of the Compensation Plan**

Employees shall be compensated in accordance with the Compensation Plan established by the County and adopted by the County Board of Commissioners and administered by the County Manager's Office and Human Resources

Office. The County shall develop and maintain a compensation plan based on equitable compensation relationships for all position classifications in accordance with state and federal laws. The compensation plan shall include all position classifications in the County.

## **Section 2. Compensation Plan**

The compensation plan is designed to establish and maintain a salary structure which attracts, motivates recruits and retains qualified employees, is competitive with the local labor market, and recognizes and rewards individual employee performance. These objectives are accomplished through the use of:

- a. Formal job evaluation system.
- b. Competitive compensation structure with salary increases based on cost of living and performance factors
- c. Formal employee performance evaluations.
- d. The compensation plan will consist of salary grades with an established minimum, midpoint, and maximum rate. Position classifications will be placed in a salary grade based on the formal job evaluation ranking of the position classification and upon market considerations.
- e. The overall compensation plan (pay and benefits) will be reviewed and evaluated on an annual basis and communicated to Commissioners and employees.
- f. The overall compensation (pay and benefits) may be limited by budgetary constraints (available revenues) and be structured accordingly.

## **Section 3. Maintenance of Compensation Plan**

Each year, as part of the annual budgetary process, the County Manager shall review the status of the compensation plan and evaluate any amendment(s) necessary to maintain an up-to-date and competitive compensation structure.

The County Manager shall make recommendations for modifications to the plan to the Board of Commissioners based upon a study of local economic conditions, the financial state of County government, and market/merit conditions of position classifications and other factors deemed appropriate for consideration.

## **Section 4. Transition to a New Compensation Plan**

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

- a. No employee shall receive a pay reduction as a result of the transition to a new pay plan.
- b. Employees being paid at a rate lower than the minimum wage rate for their position classification in the new compensation plan shall receive an increase to the minimum of the new pay grade.
- c. Employees being paid at a rate above the maximum rate established for their position classification shall have their wage frozen at that level until such time as the maximum rate for their position equals the employees wage.

## **Section 5. Payment at Listed Rate**

All employees covered by the compensation plan shall be paid within the pay range established for their respective position classification, except employees in a "trainee" or "work toward" status.

## **Section 6. Rate of Pay Upon Hire**

Employees shall be hired at the minimum rate of the salary grade assigned to their position classification. Appointments above the minimum rate of the 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 qualifications or prior experience of the applicant, a shortage of qualified applicants available at the minimum rate, or the refusal of qualified applicants to accept employment at the minimum rate. Department Heads shall consider internal equity of other employees in the classification and department when making a recommendation for compensation above the minimum rate established for the classification. The salary may not exceed the maximum rate of the range of the salary grade to which the position is assigned.

#### **Section 7. Salary of Trainee/Work Against**

If the applicant does not meet the minimum requirements for the position, but is deemed to be the most suitable applicant, the Department Head may appoint the applicant in a "trainee" or "work against" status as determined by the Department Head and consistent with the provisions of the compensation plan, and the employee may be paid at a rate less than the minimum of the range established for the position classification. The employee shall retain such status until the Department Head determines that the requisite qualifications of the position are met; generally this is for a period not to exceed one year, unless otherwise provided for. The Department Head shall review the progress of each employee in a "trainee" or "work against" status every six months or more frequently as necessary to determine when the employee is qualified to assume the full responsibilities of the position. An employee designated as a "trainee" or "work against" shall be in a probationary status until the full requirements of the classification are met. If the requirements are not completed, the employee may be transferred, demoted or terminated.

Employees designated in a "trainee" or "work against" status may be compensated at a level below the established range for the classification. Once the employee completes the requirements of the classification, the employee shall move to the established minimum rate for the classification.

#### **Section 8. Part-Time and Temporary Employee Compensation**

The County Manager shall review the compensation of part-time and temporary employees without regular status annually in the budget process, and make recommendations to be considered for approval by the County Commissioners.

#### **Section 9. Salary Adjustments**

The County Manager shall be responsible for implementing all salary adjustments. Employees shall be advised of all salary changes. Salary adjustments may occur as a result of the following:

- a. **Demotion:** An employee may receive a decrease in salary due to a demotion to a lower salary grade as determined by the Department Head, subject to review and approval by the County Manager. The new salary must fall within the range of the new position classification.
- b. **Promotion:** The salary of an employee promoted to a position classification with a higher salary grade, shall receive a wage adjustment equal to percentage difference between the salary grades, provided the employee meets the minimum requirements of the position as determined by the Department Head, subject to review and approval by the County Manager.
- c. **Negotiated Increases:** Other salary increases may be granted from time to time with the approval of the County Manager. The County Manager may increase the annual salary of an employee when the employee's position is known to be one that is hard to fill or the market rate exceeds the current rate of pay. The salary increase may not exceed the maximum of the salary range and must be within the current budget.
- d. **Reclassification:** When a position is reclassified to a higher class, the County Manager has the discretion to adjust the salary upward, provided that the adjusted salary does not exceed the maximum of the new

salary range, or to leave the salary unchanged except when the salary is below the minimum of the new grade in which case the salary shall be brought up to the minimum of the new salary grade. Employees who experience a negative change in pay grade as a result of pay grade classification **may not** (County Manager has the discretion to reduce the salary to any level within the new grade, or leave the salary unchanged) experience a reduction in pay and will be eligible for merit pay increases, depending on case-by-case situational review by the County Manager. Such adjustments shall be made upon recommendation of the Department Head.

- e. **Trainee/Work Against to Full Class:** When a trainee/work against meets the minimum requirements for the position (full class), the salary shall be adjusted upward to the minimum of the position classification's salary range, unless otherwise negotiated at the time of hire. Approved leave without pay shall not count as time worked toward meeting the minimum requirements for the position.
- f. **Transfer:** The County Manager may adjust the salary of an employee transferred to a new position within the range as recommended by the Department Head subject to review and approval.
- g. **Cost-of-living increase:** The Board of County Commissioners may grant all regular employees and/or others a cost-of-living adjustment each fiscal year based on the recommendation of the County Manager.

**Section 10. Effective Date of Salary Changes**

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period, or at a specific date as provided by procedures approved by the County Manager.

**Section 11. Salary at Separation**

The final check received by the employee will include vacation leave, unused compensatory time, and other pay as applicable (example: Sheriffs' deputy holiday) and will be received on the pay day following the pay period including the termination effective date. An employee who separates employment with the County will receive a reduction in final pay if there is a negative balance in sick leave or vacation leave.

**Section 12. Mandatory Deductions from Salary**

Deductions which are required by law shall be deducted from employees' pay and shall include:

- a. Federal income tax.
- b. State income tax.
- c. Social Security/Medicare.
- d. North Carolina Local Government Employees' Retirement System.
- e. Garnishments.
- f. Other deductions as requested and authorized by the employee for benefits.

**Section 13. Advance on Wages**

There shall be no advance on wages and no paycheck will be released early.

**Section 14. Longevity Pay**

In addition to regular wages, a longevity payment will be made annually in recognition of long-term service of permanent full-time and eligible part-time employees who have served at least 5 continuous years with Edgecombe County. Longevity payments are as follows:

YEARS OF CONTINUOUS SERVICE

5 years but less than 10 years

LONGEVITY PAY RATE

2.50%

10 years but less than 15 years	4.00%
15 years but less than 20 years	5.00%
20 years but less than 25 years	6.00%
25 or more years	6.50%

Employees must be employed by the County as of November 1<sup>st</sup> of each year to receive longevity pay. The pay will be a percentage of the previous July's annual gross salary and will be paid in the month of November each year. Longevity pay is not considered a part of annual pay for reclassification and pay purposes, nor is it to be recorded in personnel records as a part of the annual base salary.

**ARTICLE VII. SEPARATION FROM EMPLOYMENT**

**Section 1. Resignation**

Resignation shall be defined as a voluntary separation from employment. An employee who desires to leave employment with the County shall submit written notification to their immediate supervisor a minimum of two (2) weeks prior to the intended date of separation. Department Heads must provide a minimum of three (3) weeks notification to the County Manager. The written notification must state the effective date of the resignation and the reason for leaving and shall be signed by the employee.

**Section 2. Voluntary Resignation without Notice**

An employee who is absent from work for three (3) consecutive work days without reporting to the supervisor the reasons for the absence shall be considered to have resigned employment without proper notice and to have waived payment of accrued vacation leave. The supervisor of department head will make a reasonable effort to contact the employee before invoking this provision. The County Manager shall make the final decision regarding payment or non-payment of the employee's accrued vacation leave.

**Section 3. Retirement**

An employee may retire upon eligibility and application for retirement benefits from the North Carolina Local Government Employees Retirement System or Law Enforcement Officers Retirement System.

**Section 4. Reduction of Work Force**

The County Manager shall have the authority to lay-off any employee when such action becomes necessary as determine at the sole discretion of the County. Reasons for a reduction of work force may include, but are not limited to:

- a. Reorganization, elimination of position, or other changes in duties;
- b. Shortage of funds or work.

In instances where there is more than one employee in a position, reduction of force shall be decided by job relevant qualifications, job performance, and length of service. No regular employee will be separated while there are temporary, probationary, or trainee employees serving in the same position classification in the County, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee, or the regular employee does not have the knowledge, skills, abilities or required licenses, certificates, and registrations required to perform the work of the position classification, or cannot obtain within a reasonable period of time as determined by the Department Head.

Employees who are separated from the County because of a reduction of work force shall be given a minimum of two (2) weeks notice.

**Section 5. Termination**

An involuntary separation for cause in accordance with Article XI Disciplinary Action. Probationary employees may be terminated without cause.

**Section 6. Continuation of Insurance Benefits Upon Separation**

Federal law provides that employees who have separated from County service may continue on the County's group health and life insurance for a period of time. Pursuant to applicable state or federal law requirements, changes in family status, eligibility for Medicare or death of a spouse may warrant continuing coverage. Premiums for continuing coverage must be paid in full by the separated employee, their spouse or dependents or coverage will lapse.

**ARTICLE VIII. LEAVE BENEFITS**

**Section 1. Holidays**

The following holidays are observed by the County:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25 (Leave is in accordance with the following schedule

**When Christmas Falls On**

Sunday	County Observes Friday and Monday
Monday	Monday and Tuesday
Tuesday	Monday, Tuesday and Wednesday
Wednesday	Tuesday, Wednesday and Thursday
Thursday	Wednesday, Thursday and Friday
Friday	Thursday and Friday
Saturday	Friday and Monday

- a. Regular full-time employees shall receive these holidays with pay, providing the employee is on active pay status the day before and the day after the holiday. Permanent part-time employees will receive holiday pay if the employee would normally be scheduled to work on the holiday and will receive credit for the hours that the employee would be scheduled to work.

- b. If a holiday falls on a Saturday or Sunday, either the preceding Friday or the following Monday will be observed as the holiday, as determined by the County Board of Commissioners and the County Manager.
- c. When a holiday falls during an employee's vacation or sick leave, the employee will not be charged with vacation or sick leave, the hours will be charged against holiday leave.
- d. Employees required to work on a recognized holiday may be granted compensatory time off or be paid at their regular hourly rate on an hour for hour basis for all hours worked (computed to the nearest one-quarter (1/4) hour) on the holiday in addition to the holiday pay for which they are entitled (7.5 hours for general government employees and 8 hours for sworn law enforcement employees). Compensatory time shall be granted whenever feasible and must be taken within three (3) months from the time it is earned. The County may choose to pay for hours worked in lieu of compensatory time.

**Section 2. Vacation Leave**

- a. Paid vacation leave is provided to regular full-time employees and eligible part-time employees. Eligible part-time employees will earn vacation leave on a pro-rata basis, based on hours worked. Temporary and seasonal employees are not eligible for vacation benefits. Probationary employees shall accumulate vacation leave during the probationary period and may use leave as it is earned.
- b. For the purpose of earning and accruing vacation leave, the 12-month calendar period between January 1 and December 31 is established as the leave year.
- c. Vacation leave shall be accrued base on years of continuous full-time service:

General Government Employees

<u>Years of Service</u>	<u>Hours Earned Per Month</u>	<u>Hours Earned Per Year</u>	<u>Days Earned Per Year</u>
Less than 1 year	5.0	60	7.5
1 years to 5 years	9.10	108	13.5
5 years to 10 years	11.0	132	16.5
10 years to 15 years	13.0	156	19.5
15 years to 20 years	15.0	180	22.5
20 years or more	16.67	200	25.0

Sworn Law Enforcement Employees

<u>Years of Service</u>	<u>Hours Earned Per Month</u>	<u>Hours Earned Per Year</u>	<u>Days Earned Per Year</u>
Less than 1 year	5.33	64.0	8.0
1 years to 5 years	9.67	116.0	14.5
5 years to 10 years	12.0	144.0	18.0
10 years to 15 years	14.0	168.0	21.0
15 years to 20 years	16.0	192.0	24.0
20 years or more	18.0	216.0	27.0

- d. Vacation leave may be taken as earned by regular employees subject to the approval of the supervisor. Each department is responsible for scheduling employee vacation leave without undue disruption of department operations. Leave requests shall be submitted as early as possible, or at the direction of the Department Head.
- e. General government employees may accumulate unlimited vacation leave throughout the calendar year. Employees may carry over up to a maximum of 30 days. Vacation leave in excess of 30 days shall be transferred to the employee's sick leave bank on December 31 of each calendar year.
- f. Sworn law enforcement employees may accumulate unlimited vacation leave throughout the calendar year. Employees may carry over up to a maximum of 45 days. Vacation leave in excess of 45 days shall be transferred to the employee's sick leave bank on December 31 of each calendar year.
- g. Vacation leave may be taken in increments of fifteen (15) minutes.
- h. Employees who have completed the probationary period and are in good standing who resign from the County after submitting the required notice shall be compensated for earned, unused vacation leave up to a maximum of 30 days. Proper notice means the employee has given written notice of separation at least two (2) weeks in advance of the separation date for all personnel with the exception of Department Heads. Department Heads are required to give at least three-weeks notice in advance of the anticipated resignation date. An employee who is involuntarily separated without fault shall be paid for all accrued vacation leave not to exceed a maximum of 30 days for general government employees and 45 days for sworn law enforcement employees.
- i. An employee who must retire due to a disability may transfer vacation leave to sick leave and exhaust all leave prior to the effective date of separation.
- j. Upon the death of a permanent employee, compensation for accumulated leave, up to a maximum of 30 days, shall be paid to the employee's estate or designated beneficiary.
- k. Holidays or regularly scheduled days off which occur during a period of vacation leave shall not be charged as vacation leave.
- l. It shall be the responsibility of the Human Resources Office to maintain a record of vacation leave for each employee.

### **Section 3. Sick Leave**

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

Regular full-time employees shall accumulate sick leave at the rate of one (1) day per month (12 days per calendar year). Regular part-time employees may earn pro-rated sick leave. Sick leave is earned and accrued from the first date of employment. Employees may accumulate unlimited sick leave.

An employee may be granted sick leave if the absence is due to: personal illness or injury, medical and dental appointments of employee or immediate family, disability, exposure to a contagious disease, or to care for a member of the employee's immediate family permanently residing in the employee's household or who otherwise may be claimed as a dependent.

Employees shall submit requests for sick leave to their immediate supervisor prior to the leave, when possible, and at least thirty (30) minutes prior to the start of a scheduled shift of work if the employee intends to be absent from work. If an emergency prevents the employee from notifying their supervisor at such time, the employee is expected to call as soon as practicable during the work shift. Employees are required to keep their supervisor informed of their condition and anticipated return to work.

An employee may be required to submit a physician's statement concerning the nature of the illness and the employee's ability to resume duties when an employee requires sick leave in excess of three (3) consecutive days.

Sick leave may be taken in increments of fifteen (15) minutes.

All benefits to which an employee is entitled continue to accrue while an employee is out of work on sick leave or when sick leave is used to supplement short-term disability or workers' compensation. An employee may use sick leave to supplement workers' compensation benefits up to 100% of gross salary.

Holidays or regularly scheduled days off which occur during a period of sick leave shall not be charged as sick leave.

It shall be the responsibility of the Human Resources Office to maintain a record of sick leave for each employee.

An employee claiming sick leave when physically fit to work or for reasons other than those explicitly set forth in this policy will be subject to disciplinary action up to and including termination.

Payment for all unpaid accrued sick leave is forfeited upon separation of employment with the County.

#### **Section 4. Transfer/Reinstatement of Sick Leave**

Employees or rehired hired by the County whose immediate past employer within the last 90 days was the State of North Carolina, any of its political subdivisions, any local government entity or authority, or municipality in North Carolina, may transfer to the County up to 30 days of unused sick leave, provided the employee has not requested or is receiving retirement benefits from the North Carolina Retirement System. The employee must request this transfer within 30 days of the beginning of employment with Edgecombe County, and it is the responsibility of the employee to provide bona-fide documentation of the amount of unused sick leave from the immediate past employer. Upon verification of the unused sick leave by the County Manager's office, the employee will be credited with the transferred sick leave.

#### **Section 5. Sick/Vacation Leave Donation**

Employees may donate a portion of their annual vacation or sick leave balance to any other employee who has exhausted leave in accordance with the transfer of leave policy in Article IX Section 16. The policy is strictly on a voluntary basis and is to be handled by individual employees.

#### **Section 6. Community Service**

It is the belief of Edgecombe County that parent involvement is an essential component of school (including college) success and positive student outcomes. Therefore, the County shall grant four hours paid leave per School year to any employee who is a parent, guardian, or person standing in loco parentis of a school-aged child to attend or otherwise be involved in that child's school. Leave is subject to the following conditions:

- a. The leave shall be at a mutually agreed upon time between the supervisor and the employee.
- b. The employee shall submit a written request to the supervisor at least 48 hours in advance.
- c. The supervisor may require that employee furnish written verification from the child's school that the employee attended or was otherwise involved at that school during the time of the leave.

For the purpose of this section, "school" means any 1) public school, 2) private church school, church of religious charter, or nonpublic school, pre-school, or child daycare facility.

#### **Section 7. Civil Leave**

A County employee called for jury duty or as a court witness for federal or state government or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave.

An employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation, except that employees must turn over to the County and witness fees or travel allowances awarded for court appearances in connection with official duties.

While on civil leave, benefits and leave shall accrue as though on regular duty. In addition, civil leave may be used for employees to participate in giving blood at certain designated schedules at the Red Cross Bloodmobile.

#### **Section 8. Military Leave With Pay**

- a. Employees who are members of the National Guard or Armed Forces Reserve will be allowed two (2) calendar weeks for a total of ten (10) work days of military training leave annually. If the employee's military pay is less than the employee's regular pay the County will pay the difference, provided the employee provides proof of compensation from the respective military branch, between the military pay and the employees regular rate of pay.
- b. Employees who are required to attend inactive duty training (weekend duty) may be granted accrued vacation leave or unpaid leave for assignments requiring their absence from their County position on Friday afternoon. If such military duty is required beyond the two (2) calendar week annual training period, the regular employee will be eligible to take accumulated vacation leave or be placed in a leave without pay status. While taking military leave with partial pay or without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the County during this period.
- c. Employees who are Guardspersons and Reservists have all job rights specified in the Veterans Readjustment Assistance Act and The Uniformed Services Employment and Reemployment Act (USERRA).
- d. Employees are required to provide copies of official orders for all periods of active duty training. The employee will provide a memorandum from the unit commander for periods of inactive duty training (weekend duty) and proof of compensation if the duty requires the employee to be absent from work.

#### **Section 9. Military Leave Without Pay**

An eligible employee who leaves County service as a result of volunteering for active duty or being drafted into the armed services of the United States during time of war or other national emergency, as determined by the County Manager, or when reservists and National Guard members are voluntarily or involuntarily called to active duty, shall be placed on military leave without pay.

Requests for military leave shall be made in writing and submitted with copies of the employee's official military orders to the employee's supervisor. The employee shall notify their supervisor of the military obligation as far in advance as possible. A minimum of two (2) weeks advance notice is required except for an emergency call-up. In the case of emergency call-up, the employee shall notify their supervisor as soon as practicable.

The leave request and supporting military orders shall be forwarded to the County Manager.

### **Section 10. Reinstatement Following Military Leave**

An employee who serves extended active duty with the United States military forces shall be reinstated with full benefits provided the employee:

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

### **Section 11. Leave During Inclement Weather/Emergency Closing**

It is Edgecombe County's policy to remain open for business whenever possible during regularly scheduled hours of operation, to the extent allowable by weather conditions. The County Manager may at his discretion close government offices to the community for the safety of the employees and the public. The announcement of the closing of County offices will appear on local radio and television stations, the County's web site, the County's weatherline and social media. The Department Head will assess the situation and may allow all or a select group of employees to work after government offices are closed.

Whether Edgecombe County government offices are open or closed, employees are encouraged to use their judgment in determining their safety needs during severe weather and to act accordingly. Employees who are not able to report due to weather conditions are required to notify their supervisor and to report to work when safety permits. Employees must also notify their supervisor prior to leaving work during severe weather.

Non-exempt employees (those eligible for overtime) will be paid only for those hours actually worked. Hours not worked due to inclement weather or emergencies may be compensated with one of the following:

- a. Accrued compensatory time;
- b. Accrued vacation leave, or;
- c. Working additional hours within the same workweek to make up for lost time, provided work is available, and is subject to prior approval of the supervisor.

### **Section 12. Leave Without Pay**

Permanent or probationary employees may be granted a leave of absence without pay for a maximum of six (6) months. The leave of absence without pay may be extended up to three (3) additional months where extenuating circumstances warrant such action by the County. The following shall apply to leaves without pay:

- a. Regular full-time and eligible part-time employees may request a leave of absence without pay for absences from work not covered by any other type of eligible paid leave or if the employee has used all of their accumulated leave.
- b. Leave may be granted for personal disability after both sick leave and annual leave have been exhausted, sickness or disability of immediate family members, continuation of education, special work which will permit the County to benefit by the experience gained or the work performed, or other reasons as approved by the County Manager.

- c. Requests for leave without pay must be submitted in writing to the employee's supervisor or Department Head. The leave must be approved by the Department Head and County Manager.
- d. No leave shall be earned during a period of leave without pay.
- e. Employees on approved leave without pay shall be responsible for paying both the employer and employee share of the employee's health insurance premiums. Failure of the employee to pay the required benefit plan premiums will result in termination of the benefit due to non-payment of premium.
- f. Failure of the employee to report to work promptly at the expiration of the leave without pay shall be cause for termination, except if the reasons for the delay are submitted in advance and approved by the Department Head and the County Manager.

### Section 13. Family and Medical Leave

#### a. Purpose

In accordance with the federal Family and Medical Leave Act (FMLA), unpaid job protected leave will be granted to all eligible employees (male and female) for up to twelve (12) weeks per twelve (12) month period for any of the following reasons:

- i. Birth, adoption or foster care placement of a child;
- ii. To care for a spouse, child or parent who has a serious health condition; or
- iii. For a serious health condition that makes the employee unable to perform the functions of the position.

Spouses who work for the same employer are limited to a total of twelve (12) weeks combined FMLA leave for the birth or placement for adoption or foster care of a child.

A spouse, child, parent or next of kin can take up to twenty-six (26) weeks of leave during a twelve (12) month period to care for an injured service member. Spouses employed by the same employer are limited to a combined total of twenty-six (26) workweeks in a single twelve (12) month period. Next of kin is defined as the nearest blood relative to the affect service member. This applies:

- i. To care for a family member with serious injury or illness incurred while serving in the military

Additionally, all eligible employees will be granted up to twelve (12) weeks of leave when a spouse, parent or child is called to active duty. These employees are eligible for Qualified Exigency Leave which can be used to handle non-medical exigencies which may arise with a call to duty. Qualified Exigency Leaves are:

- i. Issues arising from a covered military member's short notice deployment (i.e. deployment on seven or less days of notice) for a period of **seven (7)** days from the date of notification;
- ii. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
- iii. Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if

they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;

- iv. Making or updating financial and legal arrangements to address a covered military member's absence;
- v. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- vi. Taking up to (5) days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
- vii. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member, or;
- viii. Any other event that the County and the employee agree is a qualifying exigency.

b. Eligibility

An eligible employee is one who has worked for the County for a cumulative period of twelve (12) months, within the last seven (7) years, and worked at least 1,250 hours for the County during the twelve (12) month period prior to requesting the leave.

c. Length of Leave

The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period, or twenty-six (26) weeks in order to care for an injured service member. The entitlement to FMLA leave for the birth or placement of a child expires twelve (12) months after the birth or placement of the child.

d. Leave Year

The leave year will commence the first day the employee is absent from work on FMLA leave.

e. Substitution of Paid Leave Time

An employee is required to use accumulated annual leave, compensatory time and other available leave and sick leave if the leave relates to an employee's personal illness for family/medical leave taken for any reason.

f. Employee Notice

- i. The employee is required to give notice at least thirty (30) days prior to the date on which leave is to begin or if thirty (30) days notice cannot be given as much notice as practicable.
- ii. If an employee fails to give thirty (30) days notice for a foreseeable leave with no reasonable explanation for the delay, the leave will be denied until thirty (30) days after the employee provides notice.
- iii. Notification for request for family/medical leave must be submitted in writing.

g. County Notice

When an employee requests FMLA leave or the County acquires knowledge that leave may be for FMLA purpose, the County must notify the employee of his or her eligibility to take leave, including a reason for the non-eligibility if the employee is determined not to be eligible. Such eligibility notice may be oral or written and should, generally, be given within five (5) business days of the request for FMLA leave. Subsequent

eligibility notice in the same twelve (12) month period may be required when an employee's eligibility status changes. The County will inform employee of their rights and responsibilities under FMLA, including giving specific written information on what is required of the employee.

When the County has enough information to determine that leave is being taken for an FMLA qualifying reason, the County will notify the employee that the leave is designated and will be counted as FMLA leave. The County will designate leave that qualifies as both leave to care for a covered service member with a serious injury or illness and leave to care for a qualifying family member with a serious health condition. The designation notice will be in writing and will be given within five (5) business days of the determination. The County will notify the employee of the number of hours, days, or weeks that will be counted against the employees FMLA leave entitlement.

h. Medical Certification

The employee must submit medical certification to support a request for leave because of a serious health condition of a child, spouse, parent or the employee. A "Certification of Physician or Practitioner" form can be obtained from the County Manager's Office. It is to be completed by the attending physician or practitioner and submitted to the County Manager within fifteen (15) days after requested or as soon as is reasonably practicable. The County may require a second or third opinion at the County's expense.

i. Military Family Member Certification

The County requires that an employee provide the following in support of a request for military family leave:

- i. For leave for a qualifying exigency, the employee must provide a copy of the covered military members active duty orders and certification providing the appropriate facts related to the qualifying exigency for which the leave is requested, including contact information if the leave involves meeting with a third party.
- ii. For leave to care for a covered service member with a serious injury or illness, the employee must provide certification completed by an authorized health care provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service members family.

Second and third opinions and recertification are not permitted for certification of a covered service members serious injury or illness or of a qualifying exigency.

j. Intermittent Leave

Leave requested because of a serious health condition of either a family member or the employee may be taken intermittently or on a reduced schedule if such leave is deemed to be medically necessary.

- i. The employer may require the employee to transfer temporarily to an alternative position with equivalent pay and benefits that better accommodates the intermittent leave than the regular position.
- ii. All requests for intermittent leave will be evaluated on a case by case basis.

k. Return To Work

The employee will be required to submit a fitness for duty report prior to returning to work if the leave was for the employee's own serious health condition.

I. Job Protection

- i. An employee returning from family/medical leave will be reinstated in his/her former position or a position equivalent in pay, benefits and other terms and conditions of employment.
- ii. The employee's reinstatement rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.
- iii. If the employee fails to return from a family/medical leave at the end of the twelve (12) week period, the employee will be reinstated to his/her same or similar position, only if available, in accordance with applicable laws. If the employee's same or similar position is not available, the employee may be terminated.

m. Effect on Benefits

- i. An employee granted a leave under this policy will continue to be covered under the County's group health insurance plan under the same conditions and at the same level of County contribution as would have been provided if they had been continuously employed during the leave period. If there are changes in the County's contribution levels while the employee is on leave, those changes will take place as if the employee were still on the job.
- ii. The employee will be required to continue payment of the employee portion of the group health and life insurance coverage's. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment.
- iii. If an employee's contribution is more than thirty (30) days late, the County may terminate the employee's insurance coverage (subject to COBRA requirements).
- iv. If the County pays the employee contribution(s) missed by the employee while on leave, the employee will be required to reimburse the County for delinquent payments (on a payroll deduction schedule) no later than ninety (90) days after return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.
- v. If the employee fails to return from unpaid family/medical leave for reasons other than (certification is required within thirty (30) days of failure to return for either reason):
  - the continuation, recurrence or onset of a serious health condition of the employee or a covered family member;
  - circumstances beyond the employee's control, or;
  - the County may seek reimbursement from the employee for the portion of the premiums paid by the County on behalf of that employee during the period of leave.
- vi. Seniority and other benefits do not accrue during the period of unpaid family/medical leave, however, any benefits accrued prior to commencement of such leave will not be lost.

n. Misuse of Leave

Employees who claim FMLA leave when not eligible or employees who perform work for another employer when on FMLA leave with the County will be subject to disciplinary action, up to and including termination.

**Section 14. Transfer of Leave**

Transfer of Leave Amongst Employees: Any regular Edgecombe County employee may, at an employee's voluntary option, and with supervisory review and approval, transfer vacation and/or sick leave to another regular Edgecombe County employee.

Maximum amount to be transferred in a calendar year = forty (40) hours total from one (1) employee to another employee or employees.

Maximum amount to be received in a calendar year = five hundred and twenty (520) hours total per employee.

After leave is transferred, the action is irreversible unless the action mistakenly violates this policy.

Transfer of leave from one (1) employee to another can take place at any time during the calendar year with the exception that no leave transfers shall be approved within thirty (30) days of the date of an employee's resignation or separation from County Government.

Transfers of sick leave can only occur if the employee receiving such leave is personally seriously ill (defined as heart attack, cancer, and/or medically necessary operations) or during pregnancy if such employee has exhausted or will be about to exhaust his/her hours of accumulated sick or vacation leave.

Transfers of vacation leave can occur if the employee receiving such leave meets the conditions for receiving sick leave and/or if the employee needs to be absent from work because of adverse medical conditions (same definition applies as listed above for serious illness) of immediate family members (as defined in the Edgecombe County Personnel and Administrative Policy) and if such employee has exhausted or will be about to exhaust his/her hours of accumulated sick or vacation leave.

Transfer of Compensatory Leave to Sick Leave: Any regular employee may, at employee's voluntary option, and with supervisory review and approval, transfer compensatory leave (time in hours) to sick leave (time in hours).

Maximum amount to be transferred in a calendar year = twenty (20) hours. However, the County Manager may, with the voluntary, written request of the affected employee and the written approval of the supervisor, waive this maximum transfer amount if sufficient justification exists to do so.

After compensatory leave to sick leave may only take place once per employee prior to **December 31<sup>st</sup>** of each respective calendar year.

A transfer of compensatory leave shall only occur if other measures have been exhausted to use such leave and the County Manager approves the transfer.

Transfer of Vacation Leave to Sick Leave: Any regular employee may, at employee's voluntary option, and with supervisory review and approval, transfer vacation leave (time in hours) to sick leave (time in hours).

Maximum amount to be transferred in a calendar year = forty (40) hours.

After vacation leave is transferred, the action is irreversible unless the action mistakenly violates this policy.

A transfer of vacation leave to sick leave may only take place once per employee prior to **December 31<sup>st</sup>** of each respective calendar year. **No exceptions allowed.**

**ARTICLE IX. EMPLOYEE EDUCATION**

- a. The County educational reimbursement and leave policy is intended to assist its employees in their continuing educational efforts. Employees are encouraged to enhance their knowledge through educational and training experiences so that the public is served at an ever-increasing level of excellence. All documentation of completed courses of study shall be forwarded to the County Manager to be included in the employee's personnel file upon receipt of degree or other certification.
- b. Educational leave enables a regular employee to enroll in a course of study required to maintain current employment status, e.g. licensure or certification requirement, or which addresses training/instruction to upgrade knowledge and skills directly relating to current responsibilities. Educational leave can also allow an employee to pursue a course of study which requires the employee's continued absence from the workplace, e.g. a full semester or quarter, approval or disapproval for such leave shall be made by the County Manager upon the recommendation of the Department Head.
- c. Educational leave with pay.
  - i. The Department Head and County Manager must approve all educational leave prior to enrollment in the course.
  - ii. Leave with pay may not exceed actual time for classroom instruction in one course during the semester or quarter of instruction and a reasonable amount of time for travel to and from the institution and the place of employment. The Department Head shall determine what is a "reasonable" amount of travel time, and whether the institution is located within a distance that could be reached in a reasonable amount of time off.
  - iii. A regular employee on such leave shall continue to earn any benefits to which regular employees are entitled.
  - iv. Reasonable efforts must be made by the employee to schedule required courses outside of the normal workday.
  - v. No compensatory time or overtime pay shall be given for coursework undertaken after the normal workday.
- d. Educational reimbursement.
  - i. The County may reimburse educational expenses incurred in a course of study in a field which is required to maintain current status, e.g. licensure or certification requirements, or which addresses training or instruction to upgrade knowledge and skills directly relating to current responsibilities. If the county assists with funding and advanced degree, the employee will be required to enter into a contractual agreement ensuring continued employment with the County, the duration of which will be mutually agreed upon by the Department Head and the employee with approval of the County Manager. Any reimbursement by the County is intended to supplement and not take the place of other financial resources. To be eligible for reimbursement the educational institution must be recognized by a nationally accredited body.
  - ii. The Department Head, with the consent of the County Manager, has the authority to approve or disapprove all courses requested for reimbursement based upon documentation and funds in the budget.
  - iii. Upon the successful completion of a County approve course as outlined above, the County may pay the costs of tuition, additional course fees, expenses for books, and other course materials incurred by the employee.
  - iv. The employee must maintain a "C" average in the course, to be eligible to apply for reimbursement.
  - v. Any request for reimbursement of costs must be approved by the Department and County Manager, must be in writing and the approval may be granted in advance or post of taking class.
- e. Certifications

Employees required by the County to obtain job specific certifications may be eligible for a one-time payment as defined under a policy determined by the Department Head and City Manager and filed in the Human Resources Office.

f. Educational incentive

Upon prior approval of the Department Head and the County Manager an employee who successfully completes the requirements for one (1) of the following degrees, during their employment with the County, in a field of education directly related to the employees position with the County, and maintains a "C" average or better and a diploma, will be awarded a one-time payment as follows:

<u>Degree Obtained</u>	<u>Percent of Annual Salary</u>
High School Diploma	2.0%
Two Year Degree	3.0%
Four Year Degree	4.0%
Graduate Degree	6.0%

**ARTICLE X. GENERAL BENEFITS**

**Section 1. Benefit Programs**

Total compensation at the County consists not only of wages, but also the various benefits programs which are offered. All full-time and part-time employees of the County are eligible for employee benefits as provided for in this Article. Seasonal and temporary employees are eligible only for Workers' Compensation and Social Security benefits. Following are some features of the County's benefits programs.

The terms of coverage of the County's benefits programs are more fully described in summary plan description booklets, which you are provided once you are eligible to participate in these programs. Complete descriptions of the County's benefits programs are in our master insurance contracts or master plan documents with insurance carriers. If information in this manual and the summary plan descriptions contradicts information in these master contracts or master plan documents, the master contracts/documents shall govern all cases.

The County reserves the right to amend or terminate any of its benefits programs or to require or increase employee premium contributions toward any benefits without prior notice at its discretion. This reserved right may be exercised in the absence of financial necessity.

**Section 2. Health Insurance**

The County may provide health insurance in an amount equal to a single employee's coverage for all regular, trainee and probationary employees and County Commissioners. Such employee, who is working or on paid leave for one-half or more of the regularly scheduled workdays in a month, shall be eligible for group health insurance except as provided by FMLA.

A qualified employee wishing to have additional (group) health insurance coverage in the form of parent/children, employee/spouse or family coverage may do so at his or her own expense and have it payroll deducted. All new employees shall become eligible for hospitalization insurance beginning the month after their first payroll check. An employee on leave of absence without pay, may remain covered under the County's group hospitalization plan, but is responsible for the full payment of insurance premiums and is required to maintain the same level of coverage while on unpaid leave.

Permanent part-time employees who work a minimum of thirty (30) hours per week are eligible for group health insurance coverage. The County shall contribute towards the single coverage on a pro-rated basis.

The County may provide health insurance in an amount equal to a single employee's coverage for employees, who upon retirement provided the employee have thirty (30) years of service with the North Carolina Local Government Employees Retirement system and a minimum of five (5) years of continuous service with Edgecombe County on the date of retirement. Employees who meet these requirements are eligible for continued health and dental coverage, paid by the County until the employee reaches age sixty-five (65) or becomes Medicare eligible, whichever occurs first. Dependents of post-retirement employees enrolled in the County's health insurance program may continue their enrollment upon request and in accordance with the provisions of the insurance contracts at the employee's expense. The premium must be paid monthly, in advance. Any missed payments shall result in cancellation of coverage. This option must be elected without a break in coverage on the County's group health insurance plan. If option is not elected upon the date of retirement, the option will not be available in the future.

The Board of Commissioners may cancel this benefit at any time. Applicable state and federal laws will apply.

### **Section 3. Other Benefit Programs**

The County offers a number of benefits designed to allow employees to meet their own health and welfare needs as well as those of their families. A number of approved payroll deduction plans are also available, which provide the employee with increased available income and an enhanced ability to save for retirement. Each employee is encouraged to make responsible decisions regarding both present needs and future financial stability.

It is in the discretion of the County to determine whether to allow the addition of a benefit or service and to provide for payroll deduction. In determining whether to allow for a payroll deduction, the following factors may be considered in total or combination:

- a. The past performance, financial responsibility and reputation of the organization requesting or receiving such deduction.
- b. Whether or not the administration of the program would prove to be unduly burdensome to the County.
- c. Whether interest is expressed by a sufficient number of employees representative of all the agencies of the County.

The County Manager's Office/Human Resources Office shall maintain a current index and description of all benefits available to employees. Copies shall be provided to all new employees and updates shall be provided annually at the time of benefits enrollment.

### **Section 4. Law Enforcement Officers Additional Benefits**

The County participates by special contribution in the Law Enforcement Officers Supplemental Retirement Income Plan-401(k) and provides for a special separation allowance for law enforcement officers as prescribed by G.S. 128-21 (11b) and 143-166.42.

### **Section 5. Retirement**

All employees who work for the County for more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System immediately as a condition of employment. Employees shall contribute, through payroll deduction, six (6) percent of their gross salary to the System. The County contributes an

amount determined actuarially. Provisions of this system are outlined in the North Carolina Local Government Employees' Retirement System handbook available from the Human Resources Office.

All eligible employees shall participate in social security coverage as provided by title II of the Federal Social Security Act as amended. All exclusions contemplated by the Act shall be provided to elective governing officials who are not required to devote a major portion of their time to the duties of their office.

There shall be no mandatory retirement age imposed on employees except in positions where a bona fide occupational qualification exists in compliance with the Age Discrimination in Employment Act Amendment, 29 U.S.C. 621-634.

#### **Section 6. Employee Recognition**

The Board of Commissioners shall from time to time recognize the achievement, accomplishments and contributions of its employees and commend their activities to the community and organization through its official action (e.g. Employee Service Awards).

#### **Section 7. Continuation of Insurance**

Pursuant to applicable state or federal law requirements, employees who terminate employment with the County for any reason other than retirement may be eligible to continue the group insurance program for a period of time. Changes in family status, eligibility for Medicare, or death of a spouse may also warrant continuing coverage. The premiums for this continuation of coverage must be paid by the employee. Contact the Human Resources office for additional information.

Employees on unpaid leave of absence are responsible for the full payment of insurance premiums and are required to maintain the same level of health insurance coverage while on an unpaid leave of absence that was in effect prior to the leave.

Upon proper application and subject to any required premiums, all regular benefit-earning employees may elect to be covered by the County's health insurance plans. Subject to the payment of required premiums, an employee's dependents may also be covered under such plans.

#### **Section 8. Group Life Insurance**

The County provides paid life insurance to its full-time and eligible part-time employees. Information regarding this benefit is available from the Human Resources office.

#### **Section 9. Deferred Compensation**

Regular full-time and eligible part-time employees may participate, at their option, in the County's Deferred Compensation Program. Each employee participating in the program may contribute a portion of their compensation, at a rate determined in accordance with current Internal Revenue Service regulations. Contributions shall be by payroll deduction.

#### **Section 10. Workers' Compensation**

All County employees (full-time, part-time, seasonal and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries which occur during the course of their employment with the County to their immediate supervisor at the time of the injury to ensure that appropriate action is taken. An employee who is temporarily unable to work due to an injury or illness sustained in the performance of the employee's work

with the County may be eligible for Workers' Compensation subject to the provisions of the North Carolina Workers' Compensation Act. The Human Resources Department shall coordinate the filing of Worker's Compensation claims.

An employee who becomes eligible to receive Workers' Compensation will retain the total amount of the Workers' Compensation check and may receive the difference between their Workers' Compensation payment and the employee's regular gross salary through the use of accrued sick leave and vacation. The total of the Workers' Compensation check and the accrued sick leave and vacation compensation may not exceed the employee's normal gross pay.

#### **Section 11. Unemployment Compensation**

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

### **ARTICLE XI. DISCIPLINARY ACTION**

#### **Section 1. Responsibilities**

Employees are subject to discipline for cause, up to and including termination from employment, where their acts or omissions adversely affect or may adversely affect their ability to perform their job or have an adverse impact on other employees or the County. The type of discipline imposed will be based upon the nature and severity of the infraction and the conditions surrounding the incident. The County retains the sole discretion to determine what behavior warrants disciplinary action and what type of disciplinary action will be imposed. Disciplinary action may be in one or more of the following forms:

- a. Oral reprimand
- b. Written reprimand
- c. Suspension without pay
- d. Demotion
- e. Termination

It is the policy of the County to administer discipline without discrimination. Disciplinary action shall be for cause. The supervisor or Department Head shall investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

Department Heads and supervisors are responsible for maintaining the proper conduct and discipline of employees under their supervision. When an employee's performance or conduct is determined by a supervisor or Department Head to be unacceptable, disciplinary action may be taken in a number of ways, depending on the nature of the offense.

#### **Section 2. Just Cause for Disciplinary Action**

- a. There are two (2) bases for the discipline or dismissal of employees. These two bases are:
  - i. Discipline or dismissal imposed on the basis of unsatisfactory job performance, including grossly inefficient job performance.
  - ii. Discipline or dismissal imposed on the basis of unacceptable personal conduct.
- b. Either unsatisfactory or grossly inefficient job performance or unacceptable personal conduct constitutes just cause for discipline or dismissal. The two (2) categories are not mutually exclusive, as certain action by

employees may fall into both categories, dependent on the facts of each individual case. No disciplinary action shall be invalid solely because the disciplinary action is incorrectly labeled.

- c. Imposition of discipline shall comply with the procedural requirements of this Article for consistency during the disciplinary process.

### **Section 3. Dismissal for Unsatisfactory Performance of Duties**

- 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 department. Unsatisfactory job performance includes but is not limited to:
  - i. Quality of work
  - ii. Quantity of work
  - iii. Work habits
  - iv. Promptness
  - v. Timely performance of work related analysis
- b. It is the County's intent to assist and promote improved employee performance, rather than to punish. This policy covers all types of performance-related deficiencies and does not require that successive disciplinary actions all involve 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 the new unsatisfactory performance with further disciplinary action.
- c. Prior to dismissal for a current incident of unsatisfactory job performance, an employee must first receive at least one (1) prior disciplinary action for unsatisfactory performance. The prior disciplinary action must notify the employee that failure to achieve the require performance improvements may result in the employee's dismissal. There is no minimum time requirement between these two (2) notices. Written reprimands must contain performance improvement plans to assist the employee in achieving acceptable job performance.
- d. Prior to the decision to dismiss an employee, the County Manager or designee or Department Head must conduct a pre-disciplinary conference with the employee in accordance with the procedural requirements of this Article.
- 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. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights.

### **Section 4. Dismissal for Grossly Inefficient Job Performance\***

- a. Grossly inefficient job performance occurs in instances in which the employee fails to perform job requirements satisfactorily as specified in the job description, work plans, or as directed by the management of the work unit or the County and that failure results in:
  - i. 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;

- ii. The loss of or damage to any County property or funds that result in a serious impact on the County or work unit, or;
  - iii. Failure of the employee to obtain or maintain legally required certifications, licenses, bonds or other credentials.
- b. Actions which could rise to the level of grossly inefficient job performance, dependent on the circumstance, include, but are not limited to:
- i. Inefficiency, negligence or incompetence in the performance of job duties;
  - ii. Careless, negligent or improper use of County property or equipment;
  - iii. Physical or mental incapacity to perform essential job duties with reasonable accommodation;
  - iv. Discourteous treatment of the public or other employees;
  - v. Absence without approved leave;
  - vi. Habitual improper use of leave privileges; and
  - vii. Habitual pattern of failure to report for duty at the assigned time and place.
- c. 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.
- d. Prior to dismissal of a non-probationary employee on the basis of grossly inefficient job performance, there shall be a pre-disciplinary conference between the employee and the Department Head
- i. Dismissals for grossly inefficient 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.
  - ii. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights.
- \* *Elected officials are exempt from this section*

**Section 5. Dismissal for Personal Conduct\***

Unacceptable personal conduct includes behavior of such a serious nature that the functions and services of the County have been or may be impaired; the safety of persons or property have been or may be threatened; or local, state or federal laws have been or may be violated. Unacceptable personal conduct may be created by intentional or unintentional acts and may be job related or off duty. Employees may be disciplined up to and including termination for unacceptable Personal Conduct.

- a. Unacceptable personal conduct includes, but is not limited to:
- i. Fraud in securing appointment, including falsification of the employment application or other employment documentation;
  - ii. Conduct or behavior unbecoming a public officer or employee while on duty or off duty;
  - iii. Conviction or plea of "no contest" of a felony or of a misdemeanor which impacts the employees service to the County;
  - iv. Misappropriation of County funds or property; or causing misappropriation of County funds or property;
  - v. Falsification of County records;
  - vi. Reporting to work under the influence of alcohol or illegal drugs or partaking of alcohol or illegal drugs while on duty or while on public property, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary and not disruptive to the employee's performance of his or her job duties;
  - vii. Willful damage or destruction of County property, or acts that would endanger the lives and property of others;

- viii. Willful violation of know or written work rules or policies;
  - ix. Acceptance of gifts in exchange for "favors" or "influence";
  - x. Insubordination or willful disobedience, or failure to carry out a reasonable order from an authorized supervisor;
  - xi. Absence from work without authorization or after all leave credits and benefits have been exhausted;
  - xii. Failure to pay County taxes, and;
  - xiii. Possession of unauthorized firearms or other lethal weapons on the job.
- b. An employee may be disciplined, up to and including dismissal for reasons of unacceptable personal conduct without prior warning or disciplinary action having been given to the employee. If the offense is of such a grievous nature as determined by the Department Head.
  - c. Prior to dismissal of a non-probationary employee County employee on the basis of unacceptable personal conduct, there shall be a pre-disciplinary conference between the employee and the Department Head.
  - d. Dismissals for unacceptable personal conduct 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. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights and must be filed within fifteen (15) days.

*\*Elected officials are exempt from this section.*

#### **Section 6. Written Warning**

- 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 Policy. 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. Written warnings will be place in the employee's official personnel file. The written warning must:
  - i. Inform the employee that the document is a written warning;
  - ii. Identify the specific issues that are the basis for the written warning;
  - iii. Inform the employee of the specific improvements or changes in behavior which are expected from the employee to correct the problem;
  - iv. Identify the time frame allowed for improvement or correction of the problem. If not explicitly identified, sixty (60) days will be the maximum time for improvement of correction of unsatisfactory job performance. Personal conduct or gross inefficiency will require immediate corrective action, and;
  - v. Identify the specific consequences for the failure of the employee to take appropriate corrective action within the specified time frame.
- b. A written warning must be issued in accordance with the procedural requirements contained in this Article.
- c. Second written warning shall include a statement, "that failure to make the required improvements may result in further disciplinary action, up to and including termination."

#### **Section 7. Disciplinary Suspension Without Pay**

An employee may be suspended without pay for disciplinary purposes for unsatisfactory job performance after the receipt of a least one prior disciplinary action or for causes relating to any form of unacceptable personal conduct or grossly inefficient job performance. The length of a disciplinary suspension without pay for an employee who is subject to the overtime compensation provisions of the federal Fair Labor Standards Act must be for at least one (1)

full work day, but not more than two (2) full work weeks. The length of a disciplinary suspension without pay for an employee who is exempt from the overtime compensation provisions of the federal Fair Labor Standards Act must be for at least one (1) full work week, but not more than two (2) full work weeks. Prior to placing any employee on disciplinary suspension without pay, the Department Head shall conduct a pre-disciplinary conference with the employee in accordance with the procedural requirements of this Article and the following:

- a. Identify behavior necessary for employee to correct the problem.
- b. Identify the time frame for improvement or correction of the problem. If not explicitly identified, sixty (60) days will be the maximum time for improvement or correction of unsatisfactory job performance. Personal conduct or gross inefficiency will require immediate correction action.
- c. Identify the specific consequences for the failure of the employee to take appropriate corrective action within the specified time frame.

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.

### **Section 8. Demotion**

The Department Head has the discretion, upon review and in consultation with the County Manger, to retain an employee in a lesser capacity when the employee's performance or conduct is sufficient to satisfy grounds for dismissal but the employee shows promise of acceptable performance or conduct in a lesser position. The Department Head may reduce the salary of the employee. Employee must have received at least one prior disciplinary action.

- 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 and has been given the opportunity to improve through training as arranged by the immediate supervisor, but fails to improve.
- 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 two ways:
  - 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.
  - The employee may be demoted to a lower pay grade without a reduction in salary rate as long as the salary rate does not exceed the maximum of the salary range for the new lower pay grade.
- g. Prior to the decision to demote an employee for disciplinary reasons, the Department Head must conduct a pre-disciplinary conference with the employee in accordance with the procedural requirements of this Article.

### **Section 9. Procedural Requirements**

Department Heads shall consult with the County Manager regarding matters where suspensions without pay, demotion or dismissals are considered. The following procedural requirements must be followed to issue disciplinary action under this Section:

- a. **FACT FINDING** – Prior to taking formal disciplinary action, the supervisor shall conduct a fact-finding inquiry to gather any and all relevant details regarding the situation. The supervisor will discuss the facts of the case with the Department Head. The Department Head will review the information and discuss the facts of the case with the County Manager or designee, or the Agency Director for personnel subject to the Edgecombe County Personnel Policy, who will pursue disciplinary action as deemed appropriate based on the information gathered during the investigation and the employee's prior disciplinary record.
- b. **WRITTEN WARNING** – To issue a written warning to an employee, a supervisor shall document, in writing, the items identified in Section 6, and shall obtain the employee's signature on the document as proof of the employee's receipt of the warning.
- c. **DISCIPLINARY SUSPENSION WITHOUT PAY** – To place an employee on disciplinary suspension without pay, the Department Head must comply with the following procedural requirements:
  - i. In matters of unsatisfactory job performance, ensure that the employee has received at least one (1) prior disciplinary action. In matters of grossly inefficient job performance or unacceptable person 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 person conduct.
  - ii. Schedule and conduct a pre-disciplinary conference.
  - iii. Furnish the employee a statement in writing, setting forth the specific reasons for the suspension.
  - iv. Advise the employee of any applicable appeal rights in the document affecting the suspension. A department shall furnish to an employee, as an attachment to the written documentation of a grievable disciplinary action as defined in the County grievance procedure. An non-probationary employee who has been demoted shall have fifteen (15) calendar days from the date of his/her receipt of written notice of such action to file an appeal with the County grievance procedure.
- d. **DEMOTION** – To demote an employee, the Department Head must comply with the following procedural requirements:
  - i. In matters of unsatisfactory job performance, ensure that the employee has received at least one prior disciplinary action.
  - ii. 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.
  - iii. Give advance written notice of the appropriate 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.
  - iv. Give an employee who is demoted written notice of the specific reasons for the demotion;
  - v. Advise the employee of how and to what extent the demotion will affect the employee's wage rate or pay grade.
  - vi. Advise the employee of any applicable appeal rights in the document affecting the demotion. A department shall furnish to an employee, as an attachment to the written documentation of a grievable disciplinary action, a copy of the County grievance procedure. An non-probationary employee who has been demoted shall have fifteen (15) calendar days from the date of his/her receipt of written notice of such action to file an appeal with the County grievance procedure.

- e. DISMISSAL – Before an employee may be dismissed, a department must comply with the following procedural requirements:
- i. The supervisor recommending dismissal shall discuss the recommendation with the Department Head who shall conduct a pre-disciplinary conference with the employee. The person conducting the pre-disciplinary conference must have the authority to decide what, if any, disciplinary action shall be imposed on the employee.
  - ii. The supervisor or designated management representative shall schedule a pre-disciplinary conference with the employee.
  - iii. Advance written notice of the pre-disciplinary conference must be given to the employee of the time, location, and the issue for which dismissal has been recommended. The amount of advance notice shall be as much as is practical under the circumstance.
  - iv. The Department Head shall conduct a pre-disciplinary conference with the employee, limiting attendance to the employee and the person conducting the conference; the employee's supervisory and a representative from the County Manager's office may be present. The purpose of the pre-disciplinary conference is to review the recommendation for dismissal with the employee and to consider information presented by the employee, in order to insure 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 reason for security exists. No attorneys representing either side may attend the conference.
  - v. In the conference, management shall give the employee oral or written notice of the recommendation for dismissal, including the 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 ensure that the employee has a full opportunity during the conference to present any available information in opposition of the recommendation to dismiss. This opportunity does not include the option to present witnesses.
  - vi. Following the conference, the Department Head shall review and consider the response of the employee and reach a decision on the proposed recommendation. If the decision is to dismiss the employee, a written letter of dismissal containing the specific reasons for the 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 should not be communicated to the employee during the conference. Dismissal notice should be made following the conclusion of the pre-disciplinary conference.
  - vii. A department shall furnish to an employee, as an attachment to the written documentation of a grievable disciplinary action, a copy of the County grievance procedure. An employee with regular status who has been demoted shall have fifteen (15) calendar days from the date of his receipt of written notice of such action to file an appeal with the County grievance procedure.
  - viii. Management shall determine the effective date of a 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.

**Section 10. Time Limits for Active Warnings/Disciplinary Actions for Progressive Discipline**

Any disciplinary action is deemed inactive for the purpose of this Section in the event that:

- a. The manager or supervisor notes in the employee's personnel file that the reason for the disciplinary action has been resolved or corrected; or
- b. 18 months have passed since the warning or disciplinary action, the employee does not have another active warning or disciplinary action which occurred within the last 18 months and the department has not, prior to the expiration of the 18-month period, issued to the employee written notice, including reasons, of the extension of the period.

#### **Section 11. Placement on Investigation**

Investigation status is used to temporarily remove an employee from work status. Placement on investigation with or without pay does not constitute a disciplinary action as defined in this Section and is not an action that may be appealed. Management must notify an employee in writing of the reasons for an investigative placement no later than the second scheduled workday after the beginning of the placement. An investigator placement with or without pay may last no longer than 30 calendar days without written notice of extension by the Department Head. When an extension beyond the thirty-day (30) period is required, the Department Head must advise the employee in writing of the extension, the length of the extension, and the specific reasons for the extension. If a department by the end of the 30-day period has taken no action and no further extension has been imposed, the department must either take appropriate disciplinary action on the basis of the findings of the investigation or return the employee to active work status. Under no circumstances is it permissible to use placement on investigation status for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee. It is permissible to place an employee on investigation status with pay only under the following circumstances:

- a. To investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action;
- b. To provide time within which to schedule and conduct a pre-disciplinary conference; or
- c. To avoid disruption of the work place or to protect the safety of person or property.

#### **Section 12. Credentials**

By statute, and rule, only persons who are duly licensed, registered or certified as required by the relevant provision may perform some duties assigned to positions. All such requirements and restrictions are specified in the statement of essential qualifications or recruitment standards for classifications established by the County Manager's Office or State Personnel Commission or in the position description for the position.

- a. Employees in such classifications are responsible for obtaining and maintaining current, valid credentials as required by law. Failure to obtain or maintain the legally required credentials constitutes a basis for immediate dismissal without prior warning, consistent with dismissal for unacceptable personal conduct or grossly inefficient job performance. An employee who is dismissed for failure to obtain or maintain credentials shall be dismissed under the procedural requirements applicable to dismissals for unacceptable personal conduct or grossly inefficient job performance.
- b. Falsification of employment credentials or other documentation in connection with securing employment constitutes just cause for disciplinary action. When credential or work history falsification is discovered after employment with the County, disciplinary action shall be administered as follows:
  - i. If an employee was determined to be qualified and was selected for a position based upon falsified work experience, education, registration, licensure, or certification information that was a requirement for the position, the employee must be dismissed in accordance with this Policy.

- ii. In all other cases of post-hiring discovery of false or misleading information, disciplinary action shall be taken, but the severity of the disciplinary action shall be at the discretion of the Department Head.
- iii. When credential or work history falsification is discovered before employment with the County, the applicant shall be disqualified from consideration for the position in question.

### **Section 13. Delegation of Authority**

Immediate supervisor are responsible for preparing initial documentation. The County Manager may delegate authority to Department Heads, within the supervisory authority of the County Manager, for taking disciplinary action, up to and including dismissal. The affected employee has the option to appeal any disciplinary action to the County Manager for the purpose of affirming, modifying, or reversing the disciplinary action as appropriate based on the facts and evidence in each case. The County Manager retains the final authority for appeals decisions and will consider any facts presented by the employer, the supervisor or the Department Head during the appeals process.

### **Section 14. Employee Responsibilities**

All employees are responsible for conduct and performance of their job duties and assignments in a manner that is consistent with, but not limited to job expectations, position descriptions, personnel policies, and work rules. Employees are responsible for knowing, understanding, and abiding by the County's employment policies and amendments that are adopted by the County Board of Commissioners.

### **Section 15. Supervisor Responsibilities**

It is the responsibility of all supervisors to immediately address and resolve situations in which employees are not performing or exhibiting behaviors which are not consistent with the County's philosophies, known work rules, and employment policies. Supervisors are responsible for documenting incidents where employee behavior, conduct and performance are not consistent with the County's work philosophies, job expectations, and employment policies, as well as efforts for corrective action.

### **Section 16. Department Head/Supervisor Responsibilities**

Department Heads and Supervisors are responsible for ensuring timely and thorough documentation of all disciplinary actions. Documentation should contain the following:

- a. A clear description of the behavior that prompted the discipline;
- b. The action taken by the supervisor;
- c. How the employee's behavior must change;
- d. The time frame during which the employee must demonstrate a change in behavior, and;
- e. The expectation that the new behavior must be sustained.

Department Heads, in conjunction with the County Manager, are responsible for ensuring that the County applies discipline on a consistent basis in accordance with County policy.

### **Section 17. Corrective Action**

When a supervisor first observes or learns of unsatisfactory conduct and/or job performance deficiencies, or if an employee's performance evaluation needs improvement or is below standards on their annual performance

evaluation, the supervisor will meet with the employee to discuss the situation and County expectations, and to identify the corrective action to be taken by the employee. The supervisor shall document this meeting in writing.

If problems of unsatisfactory conduct and/or job performance continue, the supervisor shall develop a Performance Improvement Plan which will outline the method to assist the employee in improving conduct or performance that is not meeting standards. The Performance Improvement Plan will normally cover a sixty (60) day period, and will state the process, time frame, instructions and measurement standard to determine if conduct or performance has improved and meets County expectations. Performance Improvement Plans must be signed by the employee, supervisor, and/or Department Head, dated and filed in the County Manager's office. A copy of the Plan must be given to the employee.

If the employee successfully fulfills the conditions of the Performance Improvement Plan, the supervisor will submit written documentation to the Department Head and the County Manager's office.

The supervisor will provide written documentation to the Department Head and County Manager's office if the employee does not meet the requirements outlined in the Performance Improvement Plan within the specified time frame or if conduct or performance deteriorate. In these instances, the supervisor may extend the time frame or may proceed with disciplinary action as outlined in this Article.

#### **Section 18. Employee Appeal**

A non-probationary employee wishing to appeal a demotion, suspension without pay or dismissal may present the matter in accordance with the provisions of Article XII Grievance Procedure.

### **ARTICLE XII. GRIEVANCE PROCEDURE**

It is the intent of the County government to provide a system of employee appeals or grievances, which is substantially equivalent to the system developed and maintained by the state under G.S. 126-1 *et seq.* In order to maintain harmonious and cooperative relationships between the County and its employees, it is the policy of the County to provide for the settlement of complaints through an orderly complaint procedure free from interference, discrimination, or reprisal. Employee shall file all correspondence regarding appeals with the County Manager. *Grievances which are not received within the time allowed as prescribed in this Section, or which are not filed with the County Manager as prescribed in this Section, shall be dismissed.*

- a. All regular employees shall have the right to grieve the following:
  - i. Disciplinary action, dismissals, disciplinary demotions, and suspension without pay;
  - ii. Failure to be promoted;
  - iii. Allegations of illegal acts of the employer, in the case of alleged acts of discrimination of age, sex, race, religion or color, the burden of proof are the responsibility of the employee, or;
  - iv. Written warnings and performance evaluations are actions that may be appealed to the Department Head and the decisions of the Department Head is final, except where the Department Head is the supervisor of the employee, then the appeal is made to the County Manager.
- b. Employees shall be allowed one-hour absence from regular duties for preparing a grievance.
- c. An employee shall have the right of legal counsel and the expense of legal counsel shall be borne by the employee.

- d. Advisory services pertaining to procedures and regulations are available from the Human Resources Director and may be used by the employee, supervisor or Department Head to settle grievances or complaints at any level.
- e. In order that all employees may be able to obtain further consideration of their problems, it is essential that two-way communication occur, and the supervisor shall make every effort to resolve the problem or correct the misunderstanding prior to the grievance procedure being initiated.
- f. *Grievance Procedure.* The County grievance procedure provides at most two levels of hearings: Department Head and County Manager. The number of hearings is dependent upon the level in the organization that the action under appeal was taken and the type of action. Exception occurs in departments governed by boards. In such cases the two levels of hearings include 1) the Department Head, and 2) the governing board.
  - i. Time Allowed for Appeal
    - Dismissal, Suspension without Pay and Demotion. An employee shall file a written appeal within fifteen (15) calendar days of receipt of a properly executed written notice of the specific disciplinary action. The employee shall attach all additional information and supporting documents to the appeal. The notice of appeal shall be received in the office of the County Manager before 5:00 PM on or before the fifteenth day.
    - Other Appeals. An employee shall file a written appeal within seven (7) calendar days of receipt of a properly executed written notice of the specific disciplinary action. The employee shall attach all additional information and supporting documents to the appeal. The notice of appeal shall be received in the Office County Manager before 5:00 PM on or before the seventh day.
  - ii. The County official who will conduct the hearing shall within seven (7) calendar days contact the employee to set the date, place and time for oral presentation of the grievance.
  - iii. The County official shall make every possible effort to achieve an equitable solution to the problem at this meeting but may take the additional time to investigate the problem.
  - iv. In no event shall the County official delay rendering a decision more than seven (7) calendar days after the grievance conference without the consent of the employee.
  - v. The County official shall render a decision in writing. Such decision shall contain the employee's and the County official's statement and the County official's conclusions. The written decision shall also contain notice of further appeal rights and shall identify the County official responsible for hearing a continuation of the grievance if necessary.
  - vi. If the conclusions are satisfactory, the procedure is ended and the documents are filed in the Employee's Personnel File. If the conclusions are unsatisfactory, the employee may proceed up the chain of command, dependent upon where the grievance began. The employee shall have seven (7) calendar days from the receipt of the decision to file a written request with the County Manager for continuation of the appeal. The employee shall attach all additional information and supporting documents to the notice of continuation of the appeal. The County Manager shall receive the notice of continuation of the grievance by 5:00 PM of the seventh day.
  - vii. The decision of the County Manager is final. The County Manager has the authority to appoint a personnel board to hear grievances.
  - viii. Exception. An initial probationary employee as set forth in Article V; Section 13 may be released at any time during probationary period for causes relating to the performance of duty or personal conduct without right appeal or hearing.

**ARTICLE XIII. SAFETY REQUIREMENTS**

## **Section 1. Safety/Risk Management**

The personal safety and health of each employee of the Edgecombe County and the prevention of occupationally induced injuries and illnesses is of primary importance. To the greatest degree possible, management seeks to maintain a safe and hazard-free work environment and will establish safety policies and procedures for each department. Adherence to these policies is the responsibility of each employee.

During the employees orientation they shall receive a copy of County safety policies and procedures. Employees are to read the policies and procedures carefully and ask questions about items that are unclear. As a condition of employment, employees are required to develop safe work habits and to contribute to the safety of themselves and co-workers.

To be successful, the County safety and health program must be the shared responsibility of all employees. Employees are required to:

- a. Immediately report to supervisor all unsafe equipment, practices or procedures which pose a threat to the safety of employees or others;
- b. Cooperate with and assist in the investigation of accidents to identify the causes and to prevent recurrence;
- c. Be active in department safety programs;
- d. Observe and promote safe work habits, and;
- e. Report injuries to supervisor immediately.

## **Section 2. Safety/Injury Reporting**

The County Board of Commissioners is committed to providing a safe and healthy working environment for all of its employees. It recognizes that most health and safety hazards can be eliminated if proper precautions are taken. Therefore, it is the policy of the County Board of Directors to provide County employees with safe and healthful working conditions through the following means:

- a. The County Manager shall appoint a Safety Committee made up of employees. The County Manager and the Committee create and maintain a safety program in compliance with all applicable federal, state and local laws.
- b. The Safety Committee reviews every occupational illness and injury, and every incident which results in damage to County property and it takes action to ensure that unsafe work methods, unsafe work sites and unsafe equipment are identified and made safe.
- c. All employees are required to fully comply with the Safety Program as administered by the Safety Committee.
- d. Department Heads and other management and supervisory employees are responsible for implementing the Safety Program by training their employees in safe work methods and by enforcing compliance with safety standards set by the Safety Committee.
- e. Department Heads are responsible for providing all employees with that safety equipment and safety clothing which the County feels is necessary for employees to perform their duties in a safe manner.

Employees are required, as a condition of employment, to develop safe work habits and to contribute in every manner possible to the safety of yourself, your co-workers and the general public. To that end you are required to:

- a. Read the safety information that is provided to you by your supervisor.

- b. Immediately report to your supervisor all accidents and injuries occurring within the course of your employment. The supervisor will submit a Supervisor's Report of Accident Form to the Safety Coordinator within twenty-four (24) hours of the time of injury.
- c. Immediately report to your supervisor all unsafe practices or conditions observed.

Further details on this policy and a complete summary of responsibilities and procedures are available from the Safety Coordinator.

### **Section 3. Property Damage Reporting**

An employee involved in an incident which results in damage to County property must submit a report of the incident to his or her supervisor within twenty-four (24) hours of occurrence.

### **Section 4. Workers' Compensation**

- a. Coverage
  - i. The County provides Workers' Compensation insurance coverage at no cost to employees. This insurance program covers an injury (by accident) or illness (occupational disease) which arises out of and in the course of employment that requires medical, surgical or hospital treatment. Workers' Compensation coverage is provided to all regular and temporary employees, both full and part-time.
  - ii. There are several types of benefits provided by the North Carolina Workers' Compensation Act, which generally include time-loss benefits after seven (7) calendar days for temporary or permanent partial disability, death benefits, paid medical expenses and rehabilitation services.
- b. Program Administration
  - i. Notification to the County Manager's Office shall be within two (2) hours following any injury or illness, which occurred during emergency or other hours outside the regular business day. The County Manager shall be notified immediately (at home if after hours) in the event of a fatality.
  - ii. Each department shall establish procedures for notification of appropriate personnel for emergency and after-hours situations, including notification of injury or illness of employees during such times. Departmental procedures shall be communicated to all employees affected.
  - iii. Employee Responsibility
    - Immediate Notification of Injury/Illness  
It is mandatory that every work-related injury or illness regardless of severity be reported immediately by the employee to his/her immediate supervisor. In addition, when circumstances allow, the employee is to complete the written incident report at the time of supervisor notification. Failure to report an injury/illness promptly may result in loss of compensation and payment of medical expenses.
    - Completion of Required Reports  
Within the first two (2) hours following injury, the employee shall be responsible for completing a report of the incident using forms provided for this purpose. Upon completion, the employee shall give the report to his/her department director to review the report.
  - iv. Immediate Supervisor Responsibility
    - County Manager Notification  
The Department Head shall contact, or designate someone within the department to contact, the County Manager's Office to advise of the following:
      - In injury/accident immediately upon receipt of employee notification; and;
      - An employee's return to work or change in work status.

- Completion of Required Reports
  - The Department Head shall review the incident report to ensure that it is complete. The Department Head shall assist the employee when necessary to complete all required information. In addition, the department director shall complete the report if the seriousness of the injury/ illness precludes the employee from doing so, and shall later, when able, get a written statement from the incapacitated employee.
  - The incident report shall be forwarded to the County Manager's Office within two (2) hours of an incident.
- Amount of Compensation During Incapacity
 

An employee receiving Workers' Compensation salary continuation may use accumulated sick leave in order to maintain his/her regular income. Compensatory leave and then annual leave may be used if the employee's sick leave balance is exhausted. However, in no case shall the total wages received be greater than what the employee's base pay would be if he/she were not incapacitated.
- Use of Leave Pending Claim for Workers' Compensation
 

If a Workers' Compensation claim is initially denied by the NCWCC and the claim is subsequently determined to be compensable under the Act, a leave adjustment shall be made to credit the employee's leave balance(s) for the portion of Workers' Compensation awarded.
- Modified Work Assignment
  - The County actively supports a selective return-to-work program. For claims deemed compensable by the Workers' Compensation insurance carrier, every effort shall be made within the employee's department to find a suitable modified work assignment for an employee unable to perform his/her regular duties. Any return to work action taken by the County shall be in accordance with North Carolina compensation laws.
  - The modified work assignment shall be based upon the treating physician's medical evaluation (including information on required medical treatments, recovery prognosis, work restrictions, and time frames). The department director and County Manager shall carefully consider the medical report(s) and the availability of suitable modified duty prior to initiating a modified work assignment.

An injured employee, who refuses any suitable employment, shall not be entitled to any compensation at any time during the continuance of such refusal, unless in the opinion of the NCWCC the refusal was justified.

#### **ARTICLE XIV. EMPLOYEE RECORDS**

##### **Section 1. Requirements**

- a. Personnel records are necessary for the proper administration of the personnel system and will be maintained by the County Manager or his/her designee. The County shall maintain within personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs.
- b. An employee's personnel file consists of any information of any form gathered by the County with respect to that employee. This would include, but would not be limited to, information relating to an employee's application, selection or non-selection for a vacant position, performance, promotions, demotions, transfers, suspensions, other disciplinary actions, performance evaluation forms, commendations, leave, salary, and termination of employment.

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

- a. Access to employee records is governed by North Carolina General Statutes as required by G.S. 153A-98 and 160A-168, which allows any person may to have access to public information as defined by this subchapter below for the purpose of inspection, examination, and copying during the County's regular business hours, subject only to such rules and regulations for the safekeeping of public records as the County Board of Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.
- i. The following information regarding each on each County employee is public information:
  - Name;
  - Age;
  - Date of original employment or appointment to County services;
  - Current position/ title;
  - Current salary and;
  - Date and amount of most recent change in salary;
  - Date of most recent promotion, reassignment, demotion, transfer, suspension, separation, or other change in position classification; and;
  - Office to which the employee is currently assigned.

## **Section 3. Confidential Information**

- a. All information contained in a County employee's personnel file, other than the information listed above, will be maintained as confidential in accordance with the requirements of G.S. 160A-168 and shall be open to public inspection only in the following instances:
  - i. The employee or a duly authorized agent may examine all portions of the employee's personnel file, except:
    - Letters of reference solicited prior to employment.
    - Information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient.
  - ii. A licensed physician designated in writing by the employee may examine the employee's medical record.
  - iii. A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
  - iv. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
  - v. An official of any agency of the state or federal government or any political subdivision of the state may inspect any portion of a personnel file when such inspection is deemed by the person having custody of the file to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability.
  - vi. An employee may sign a written notarized statement, to be placed in the employee's personnel file, authorizing release of other specified information to prospective employers, educational institutions, or other specified persons.
  - vii. The County Manager, with the concurrence of the Board of County Commissioners, may inform any persons of the employment or non-employment, promotion, reassignment, demotion,

suspension, or other disciplinary action, reinstatement, transfer, or termination of a County employee and the reasons for that personnel action. Before releasing the information, the County Manager shall determine in writing that the release complies with applicable laws, and is essential to maintaining the public trust and confidence in the administration of County services or to maintaining the level and quality of County services. A written record shall be maintained in the personnel file and as part of the public record in the Office of the Clerk to the Board.

- viii. Even if considered part of an employee's file, the following information may be withheld from an employee:
- Testing or examination material used solely to determine qualification when disclosure would compromise testing procedures.
  - Investigative reports concerning possible criminal actions against the employee until the investigation is completed.
  - Information that might identify undercover officers or informers.
  - Notes, preliminary drafts, and internal communications unless used for official personnel decisions.

#### **Section 4. Designation of Record Custodian and Custodian's Responsibilities**

The personnel records custodian shall be the County Manager, whose responsibility it is to maintain a personnel file for each County employee. The County Manager may designate an individual or individuals to act as Records Custodian. The Records Custodian is responsible for the proper maintenance and documentation of personnel records procedures in accordance with state and local law.

#### **Section 5. Request and Review Procedure**

- a. All requests for personnel records information must be made in writing to the Records Custodian. An employee may sign a written letter of consent authorizing release of confidential information to perspective employers, educational institutions or other specified persons or agencies.
- b. If a request is determined by the Records Custodian to be for public information, the custodian shall within five (5) working days, provide such public information.
- c. Only individuals contemplated by G.S. 153A-98, as set forth in Section 19, shall have standing to receive confidential personnel information. Such requests shall be made in writing by the individual having standing and shall be made on a standard "Edgecombe County Disclosure of Confidential Information" form, such form to contain signature of the requesting party. The requesting party shall not disclose such confidential information. The Custodian shall within five (5) working days provide access to such information.

#### **Section 6. Remedies and Objections**

An employee who objects to material in a personnel file may place in the file a statement relating to the material the employee considers inaccurate or misleading. The Employee may seek the removal of such material in accordance with the following procedure:

- a. A written request containing the employee's name and identifying the objectionable material with any supporting documentation shall be submitted to the Records Custodian.
- b. The Records Custodian shall notify the County Manager and the appropriate supervisory personnel of the nature of the complaint and shall within five (5) working days make a determination regarding the disposition of the complaint.
  - i. If the complaint is found to be valid, the material shall either be corrected and returned to the file or removed from the file and destroyed.

- ii. If the complaint is found to be invalid, the material shall remain in the personnel file and a copy of the employee's written objection shall be placed in the personnel file.

### **Section 7. Records of Former Employees**

The provisions for access to personnel files is applicable to both current and former employees.

### **Section 8. Records of Applicants**

Applications and other information gathered with respect to an applicant will be kept confidential in accordance with G.S. 153A-98. The County will not release this information with written permission from the applicant.

### **Section 9. Destruction of Records**

No public official may destroy, sell, loan or otherwise dispose of any public record, except in accordance with G.S. 121-5(B), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates or destroys it, will be guilty of a misdemeanor conviction, will be fined not less than \$10 or more than \$500, as provided in G.S. 132-3.

## **ARTICLE XV. TRAVEL POLICY**

### **Section 1. Purpose**

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

### **Section 2. Applicability of Policy, Definitions and Guidelines**

- a. All employees, County approved drivers, and officials of the County are subject to this policy.
- b. Definitions.
  - i. Authorizing Party – individual authorized by this policy to approve or disapprove travel requests, cash advances requests, and travel reimbursement requests.
  - ii. Requesting Party – County employee, approved driver or official who will be reimbursed for travels costs incurred while conducting County business.
  - iii. Travel – going from the normal job location to a site located more than 10 miles from the normal job location to conduct County business.
  - iv. 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.
  - v. Subsistence – costs incurred during travel for lodging and meals, including tips.
  - vi. Documentation – original invoices, paid bills, attendance certificates, ticket stubs, agendas, etc.
  - vii. Statement of Travel Expenses (Form) – travel reimbursement request.
  - viii. Travel Description Form – general description and/or explanation of travel.
  - ix. Check Request – Request of funds for accommodations or expense.

### **Section 3. Guidelines**

- a. Travel Authorization
  - i. For all in-state, out-of-County travel, other than travel of the County Manager and elected County or, in case of law enforcement, in excess of 171 hours in a 28-day period officials, the Department Head is the authorizing official, unless otherwise directed by the County Manager, and is responsible for

- determining that a sufficient unexpended appropriation remains in the department travel budget to reimburse all expected costs of travel.
- ii. Out-of-state travel requests by employees and Department Heads will be authorized by the County Manager in addition to the Department Head.
  - iii. The Finance Director is responsible for determining that funds are available to cover the estimated cost of the approved travel. Travel request will be submitted a minimum of 5 working days prior to travel. Emergencies will be handled on a case-by-case basis. If a sufficient balance remains in the expenditure item, the estimated travel cost will be approved. If the remaining balance in the expenditure item is insufficient to cover the estimated cost of travel and other monies are not yet available, the authorizing party will be notified by the Finance Director. The Department Head is responsible to ensure adequate funds are available for travel.
  - iv. Authorization of travel requests will be based upon need and cost/benefit of travel as determined by the authorizing party.
  - v. Employee travel within Edgecombe County does not require written approval of the authorizing party. However, the authorizing party should be made aware of the travel plans and give verbal approval of the plans. Failure to notify the authorizing party of the travel plans will result in the requesting party receiving no reimbursement for travel costs.
  - vi. Use of a County automobile must be approved, prior to use, by the Department Head. The traveler is responsible for securing County vehicle from the County vehicle pool.
  - vii. The County Manager must approve overnight travel in County automobile.
  - viii. Use of a personally owned vehicle must be approved. After hours emergency use of a personally owned vehicle must be approved on the next working day after the travel occurs.
  - ix. 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.
- b. Arrangements, Accommodations, Travel Advances, and Travel Allowances
- i. The authorizing party must approve all arrangements for travel. 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 reserve transportation and lodging in advance when possible.
  - ii. The requesting party is encouraged to travel with the other employees and officials of the County and representatives of other government units when possible. The requesting party will be reimbursed for actual costs incurred only subject to the limitations established herein.
  - iii. Travel advances will be issued based on documented needs. Advances will be requested on a form that will be submitted to the authorizing party. The amount of the travel advance may not exceed the estimated travel cost. Cash advances will not be issued if request is submitted less than 5 days prior to travel. Travel advances will be repaid when a statement of travel expenses is submitted. The Finance Director will not issue a travel advance unless it has been approved.
- c. Travel Limitations.
- i. Attendance to conventions and conferences will be limited to the requesting party authorized to attend the convention or conference. Attendance by additional parties, i.e. spouses, will be at the employee's own expense.

#### **Section 4. Transportation**

##### **a. Reimbursement of Costs.**

All necessary bus, train, and air transportation will be obtained at the most economical rate available. Reimbursements will be made for actual costs that are incurred and receipt supported. 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. This includes the cost of taxi service and parking fees, as long as receipts are submitted.

- b. Vehicles
  - i. Personally Owned Vehicle (POV)
    - A requesting party may use his/her personal automobile for travel and be reimbursed at the current Internal Revenue Service approved rate only if one of the following conditions are met:
      - No County automobile is available.
      - The requesting party has a physical handicap that requires use of a specially equipped vehicle or has a physician's statement certifying that use of a personal vehicle is required.
      - An after-hours emergency situation requires the travel.
  - ii. County Vehicles: County automobiles may be used for any authorized travel. The requesting party must obey all laws of the jurisdiction in which the automobile is being operated. The automobile will be used for the purpose of conducting County business only. A minimum 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.
  - iii. Rental Vehicles: A rental automobile will be used when it is determined that no other mode of transportation is as economical or practical. A rental automobile should be used for business purposes only. 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.
- c. Local Transportation.

Local transportation costs (e.g. taxi fare) incurred while on out-of-town business will be reimbursed. The most economical and reasonable form of transportation will be used. Receipts must be obtained and submitted with travel reimbursement requests.

## **Section 5. Subsistence**

- a. Lodging.
  - i. Lodging will be reimbursed at the actual amount incurred. The traveler should seek out the lowest priced accommodations that will meet their needs.
  - ii. Itemized receipts for lodging costs must be submitted. The lodging rate is limited to the lowest available single room rate when an employee is traveling with his/her spouse and children.
  - iii. Lodging expenses for locations which are within 75 miles of the County seat must be approved in advance by the County Manager.
- b. Meals.
  - i. Meals will be reimbursed at a rate as determined by the County Manager.
  - ii. Meals served, as part of a convention or conference will be reimbursed at actual cost. Documentation of actual cost must be attached to statement of expenses when reimbursement is requested. Cost of meals included in the total registration fee for a convention or conference will be deducted from the registration fee when determining the amount to be reimbursed. The County Manager will handle exceptions to the meals' reimbursement policy that exceed the maximum amount allowed on a case-by-case basis.
- c. Lodging and Subsistence will be reimbursed based on documented (paid itemized receipt) expenditure.
- d. Other Costs.
  - i. Long distance personal telephone calls are not reimbursable except in emergencies. Emergencies would include significant change in travel plans. Phone calls for Official County business are

- reimbursable expenses. These calls must be supported by documentation of the circumstances for the call(s).
- ii. Receipt supported registration fees for a conference or convention will be reimbursed provided the fee was approved on a Statement of Travel Expenses and attendance at the convention or conference by the requesting party does not violate the specifications set forth within this policy.
  - iii. No reimbursement is allowed for entertainment, snacks, drugs or alcoholic beverages. An exception is made in the case of small items purchased for a child while in protective custody of the County. This exception must be documented by reference to the applicable case number.

## **Section 6. Reimbursement Procedures**

- a. Submitting Expense Reports.
  - i. A requesting party will complete a Travel Reimbursement Request Form, if needed, attach receipts for expenses requiring them, and submit it to the Finance Department complete with all required signatures and receipts no later than ten (10) working days after returning from travel. Advances will be deducted from reimbursable costs. If travel claim is not submitted within ten (10) days, a garnishment will be submitted to payroll.
  - ii. A requesting party will complete a Travel Report Form in its entirety.
  - iii. A requesting party submitting a falsified Travel Reimbursement Request Form will be subject to disciplinary action and criminal prosecution. An authorizing party or Finance Officer who approves a reimbursement that he or she knows to be false will be subject to disciplinary action or criminal prosecution (Ref. G.S. 159).
- b. Approval and Processing of Reimbursement Requests.
  - i. Travel Reimbursement Request Forms will be fully completed, signed and submitted to the authorizing party for approval. After approval by the authorizing party, the original form(s) with its supporting documentation should be forwarded to the County Finance Department.
  - ii. The Finance Director will determine that Travel Reimbursement Request Form has been properly approved, that the information provided is mathematically correct, and that requested reimbursements are consistent with submitted receipts and are within the limits set by this policy. If an error in the reimbursement request is found, the requesting party will be informed and the error will be corrected before payment is made.

## **ARTICLE XVI. ELECTRONIC COMMUNICATIONS**

**BY VIRTUE OF THIS POLICY, ALL SYSTEM USERS ACKNOWLEDGE THE PUBLIC NATURE OF ELECTRONIC COMMUNICATIONS AND UNDERSTAND THAT THE COUNTY HAS THE RIGHT TO INSPECT AND REVIEW SUCH COMMUNICATIONS.**

### **Section 1. Purpose**

This policy covers the use of all technology resources belonging to the County of Edgecombe. It includes, but is not limited to, pagers, radios, all computer systems of any size and function and their attached peripherals, phones, cellular phones, faxes, voice mail systems, email systems, network resources and Internet resources (Communications Systems). The County provides technology resources to enable County employees to provide timely and efficient services. This is the primary function of these resources and any activity or action that interferes with this purpose is prohibited. Failure to adhere to this policy places the County and the individual at risk for legal and financial liabilities, potential embarrassment, and other consequences.

## **Section 2. Administration**

Each Department Head shall become thoroughly familiar with the requirements set forth in this policy and to administer this policy consistently within the department and with other departments. The Department Head shall explain this policy within their department and see that it is fully implemented. It is the Department Head's responsibility to ensure their department's users abide by the requirements and guidelines set forth in this and any related documents. Department Heads and Information Technology personnel have the authority to inspect the contents of any equipment, files, or mail in the normal course of their supervisory responsibilities. Reasons for review include, but are not limited to, investigation of network slowdown; system hardware or software problems, including software license compliance, general system failure, litigation or potential litigation; reasonable suspicion of a crime or violation of policy; or a need to perform work or provide a service when an employee is not available. All communication system users acknowledge their consent that the County may, at its discretion, inspect, use or disclose any electronic communications and/or data without further notice for any legitimate business, legal or discretionary purpose. The County may utilize monitoring software to administer this policy.

## **Section 3. Public Nature of Electronic Communication**

Electronic communication is a public record like any other public document. Users must understand that any communications created, received, or backed up on the County system may be construed to be public documents and thus may be subject to legal requests for public disclosure. This includes communications that users might think of, incorrectly, as personal and private. Electronic communications may be searched for evidence in any legal proceeding.

## **Section 4. Email/Internet**

Use of the Communications Systems by employees for personal use must be restricted to occasional use that does not interfere with the conduct of County business. Personal use should be limited to personal time (breaks, after hours), and personal use of the Internet and email on County time must be kept to a minimum. Supervisors are expected to monitor the extent of personal use of these assets during regular working hours.

Any business or personal use of the Internet or email by a County employee shall clearly and accurately identify the employee. Anonymous or pseudonymous use is prohibited.

Email is considered an official form of communication between departments and between employees. Computer users are required to check for the receipt of email messages each working day.

The following uses of the County's Communications Systems are strictly prohibited:

- a) Use of the Communications Systems to send chain letters.
- b) Use of the Communications Systems to knowingly send copies of documents in violation of copyright laws.
- c) Use of the Communications Systems to compromise the integrity of the County and its business in any way.
- d) Use of the Communications Systems to send messages containing offensive, abusive, discriminatory, threatening, harassing, or other language inappropriate for the operation of the County.
- e) Use of the Communications Systems to send messages that violate any policy of the County including the County's Policy Against Harassment. Such messages include, but are not limited to, messages that contain sexual implications, racial slurs, or other comment that offensively addresses someone's age, gender, sexual orientation, religious or political beliefs, national origin or disability.
- f) Use of the Communications Systems for the advertisement of personal business.

- g) Intentionally viewing, downloading and/or transmitting materials (other than that required for police business) that involve the use of obscene language, images, jokes, sexually explicit materials or messages that abuse or be little any person, group, or classification of individuals is strictly prohibited.
- h) Use of the Communication System to distribute personnel information unless it is an authorized Human Resource function that includes but is not limited to salary, performance reviews, complaints, grievances, misconduct, disciplinary information, medical records or related information.
- i) Installation or software without prior authorization from Information Technology personnel.
- j) Employees shall not permit unauthorized persons to use the County's electronic Communication System.
- k) Installation of Software by third-party software vendors unless authorized by Information Technology personnel.
- l) Use of the computer to play any games.

**Section 5. Security**

All electronic communications are the property of the County, are subject to monitoring and therefore not considered private. The County will disclose any electronic mail message as required by appropriate law or regulation. The County shall promptly access electronic communication data:

- a) When a user leaves the employ of the County for any reason, User's mail will be accessed for the purpose of saving those messages that pertain to County business. These files may be subject to transfer to another user if necessary to conduct County business. The employee's County email service will be discontinued.
- b) When necessary to investigate a possible violation of a County policy or a breach of the security of the Communications Systems.
- c) In the event there is a reasonable suspicious a user has committed or is committing any crime.

**Section 6. Telephones**

The telephone system is intended primarily to accomplish the work of the County. Providing services to internal and external customers is always the first priority. Personal use should be limited in accordance with the provisions of Internet and email use.

The County will deem personal use excessive if it prevents the employee from handling customer inquiries, complaints and requests for service in a timely manner or if it interferes with employees accomplishing their job responsibilities. All personal toll calls are to be reimbursed to the County.

**Section 7. Printers, Copiers and Faxes**

Photocopy machines, printers and fax machines shall be used for the transaction of County business. Any personal use must be pre-approved by the Department Head and reimbursement for personal use should be arranged with the Department Head prior to use. Unauthorized copying of the copyrighted material is strictly prohibited.

**Section 8. Social Media**

It is understood that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, the following guidelines have been established for appropriate use of social media.

This policy applies to all employees who work for the County). Department heads and supervisors should use the supplemental Social Media Management Guidelines for additional guidance in administering the policy.

a. Guidelines

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the County, as well as any other form of electronic communication. The same principles and guidelines found in the County's policies apply to employee's online activities. Employees are solely responsible for what is posted online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects employee job performance, the performance of other County employees or otherwise adversely affects citizens, customers, suppliers, people who work on behalf of the County or the County's legitimate business interests may result in disciplinary action up to and including termination.

b. Know and follow the rules

Carefully read these guidelines, the County's Ethics Policy, the County's Discrimination & Harassment Prevention Policies, and ensures that postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

c. Be respectful

Always be fair and courteous to fellow employees, citizens, customers, supervisors, suppliers or people who work on behalf of the County. If an employee posts complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, customers, other employees, supervisors or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or County policy.

d. Be honest and accurate

All information or news posted should be honest and accurate, if there is an error correct it quickly. Be open about any previous posts that have been altered. The Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that are known to be false about the County, employees, supervisors, citizens, customers, suppliers, and people working on behalf of the County.

e. Post only appropriate and respectful content

- Maintain the confidentiality of the County private or confidential information. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Do not create a link from your blog, website or other social networking site to the County website.
- Express only personal opinions. Employees should never represent themselves as a spokesperson for the County. If the County is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of the County, other employees, supervisors, citizens, customers, suppliers or people working on behalf of the County. If a blog or post online is related to the work you do or subjects associated with the County, make it clear that you are not speaking on behalf of the County. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the County."

f. Using social media at work

Refrain from using social media while on work time or on equipment provided by the County, unless it is work-related as authorized by your Department Head or supervisor and consistent with County Policy. Do not use County email addresses to register on social networks, blogs or other online tools utilized for personal use. Violation of this policy will be subject to disciplinary action, up to and including termination.

- g. Retaliation is prohibited  
The County prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.
- h. Media contacts  
Employees should not speak to the media on the County's behalf.

**Section 9. Violations**

It is the user's responsibility to read and abide by topics set forth in this document. If any employee violates any of the provisions of this policy, or a supervisor or Department Head who knowingly permits a violation of this policy, the employee, supervisor or Department Head will be subject to disciplinary action up to and including termination, as provided in the Personnel Policy.

**ARTICLE XVII. MISCELLANEOUS POLICIES**

**Section 1. Americans With Disabilities Act**

It is the policy of the County to comply with the relevant and applicable provisions of the Americans with Disabilities Act (ADA). The County will not discriminate against any qualified employee or applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. The County will also make reasonable accommodation wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job and provided that any accommodations made do not require significant difficulty or expense.

**Section 2. Handling Citizen Complaints**

Citizen/client complaints provide an opportunity for feedback and identifying problem areas. How well complaints are handled determines to a great extent the level of confidence and respect the public holds for its government institutions. Above all, we are here to serve, and part of our job is to effectively handle citizen complaints.

- a. When handling a complaint be polite and never argue with the complainant even if he/she is angry, unreasonable or insulting towards you and the County. Stay calm, cool and collected. Don't take criticisms personally and you will be better able to help solve the problem rather than become a part of it.
- b. If you receive a complaint, it is very important to follow through properly. This can be accomplished by doing the following:
  - i. Receive and record information pertinent to the complaint;
  - ii. Determine which County employee is responsible to investigate and take corrective action and forward the complaint accordingly;
  - iii. Follow up on what action has been taken to correct the problem, and;
  - iv. The responsible supervisor should notify the complainant to advise him/her of the action that has been taken to correct the problem.

**Section 3. Personal Use of County Property**

- a. County-owned equipment and facilities are not available for personal use by employees. Personal use is prohibited unless prior approval is given by the employee's supervisor.
- b. Office furnishings and property should remain in County offices unless required for the conduct of County business.
- c. The County's laptop computers may be checked-out by staff according to procedures established by the County Manager and upon approval of the employee's supervisor. Employees may check-out a laptop computer for business-related travel or business-related overnight or weekend use. The laptop should be returned to the County upon return of the employee to County offices.
- d. County equipment or facilities may be loaned to community and civic organizations. Approval for such use must be obtained from the County Manager unless covered by a mutual aid agreement.
- e. Unauthorized removal of County property or its conversion to personal use may be cause for disciplinary action up to and including termination.

**ARTICLE XVII. DRUG/ALCOHOL POLICY**

**Section 1. Policy**

It is the policy of Edgecombe County to maintain a workforce that is free of drug and alcohol abuse. This commitment is based on the belief that the County has a responsibility to maintain the safety of County employees and the general public.

- a. The County is concerned with those situations where the use of alcohol and other drugs seriously interferes with any employee's health, job performance, or adversely affects the safety of the public or other employees. There is no intent to intrude upon the private lives of employees.
- b. The County maintains a treatment attitude towards problems associated with substance abuse, and will utilize professionally trained resources for testing and counseling. However, the possession of drugs and alcohol in the workplace or the influences of these substances on employees during working hours are grounds for immediate termination. Prosecution may also result.
- c. All drug and alcohol screening procedures will be conducted through the Health Department. (If a blood test is required and the Health Department is not available, the employee should be taken to the hospital for the test.)
- d. Results of tests will be held in strictest confidence. Applicants and employees who test positive will be provided with a copy of the test results if requested, and may request a retest of the original sample at the County's expense.

**Section 2. Pre-duty use**

No person in a safety-sensitive position shall perform safety-sensitive functions within four hours after using alcohol. No supervisor having actual knowledge that an employee has used alcohol within four hours shall permit an employee to perform or continue to perform safety-sensitive functions.

**Section 3. On-duty use**

No employee shall use alcohol or controlled substance while performing safety sensitive functions. No employee shall use controlled substances during duty hours except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect their ability to safely operate a vehicle or machinery. The County may require person in safety-sensitive positions to inform their supervisor of any therapeutic drug use.

#### Section 4. Alcohol Concentration

No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration. No supervisor having actual knowledge that an employee has an alcohol concentration shall permit the employee to perform or continue to perform safety-sensitive functions.

#### Section 5. Testing

In keeping with the County's mission of serving and protecting employees and citizens, the County will conduct testing under the following circumstances.

- a. **Pre-Employment Testing.** Individuals who seek employment (including employees seeking promotion, demotion, or transfer) to a "safety-sensitive" position, as defined below, will be required to undergo a drug screening procedure prior to appointment. No employer shall allow an employee in a "safety-sensitive" position to perform safety-sensitive functions unless the driver has been administered an alcohol test with a negative result, and has received a negative controlled substances test. Refusal to test will result in disqualification for consideration for employment in the position sought.

Confirmed positive drug test results that cannot be substantiated by medical evidence of legitimate prescribed drug use will be cause for disqualification for that position. In addition, confirmed positive drug test results for current safety-sensitive employees applying for promotion or transfer may result in a mandatory referral for treatment or evaluation, or possible disciplinary action.

The following positions are considered "safety-sensitive" positions for the purposes of this policy:

- i. Any employee operating a motor vehicle that requires a commercial driver's license, or heavy equipment.
  - ii. Positions required driving clients.
  - iii. Other positions as required by law or as so designed by the County Manager, due to the specific safety sensitivity of individual jobs.
- b. **Post-Accident Testing.** As soon as practicable following an accident involving a County vehicle, the County will test each driver:
    - i. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of life; or
    - ii. Who receives a citation under State or local law for a moving traffic violation arising from the accident.
  - c. **Alcohol Tests.** If a test required by this section is not administered within two hours following the accident, the County shall prepare and maintain on file a record stating the reasons the test was not promptly administered. In the case of positions requiring a commercial driver's license, if a test required by this section is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the Federal Highway Administration (FHWA) upon request of the Associate Administrator.
    - i. **Controlled Substance Tests.** If a test required by this section is not administered within 32 hours following the accident, the County shall cease attempts to administer a controlled substance test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FHWA upon request of the Associate Administrator.
    - ii. **Availability Requirements.** A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the County to have refused to submit to testing.

Refusal to submit to testing is grounds for immediate dismissal. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. No driver required to take a post-accident test shall use alcohol or controlled substances for eight hours following the accident, or until he/she undergoes a post-accident testing, whichever occurs first.

#### **Section 6. Random Testing**

- a. Positions requiring commercial driver's license will be randomly tested in accordance with the FHWA's minimum annual percentage rate.
- b. Ten percent (10%) of all other safety-sensitive positions will be randomly tested annually.
- c. The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employee social security numbers, payroll identification numbers or other comparable identifying numbers. Under the selection process used, each employee shall have an equal chance of being tested each time selections are made.
- d. Testing will be unannounced and the dates for administering random alcohol and controlled substance tests will be spread reasonably throughout the year.
- e. Each employee who is notified of selection for random alcohol and/or controlled substance testing will proceed to the test site immediately.
- f. An employee will only be tested for alcohol while performing safety-sensitive functions, just before performing the safety-sensitive functions, or just after performing such functions.

#### **Section 7. Reasonable Suspicion Testing**

Employees in safety-sensitive positions shall be required to submit to testing if observations by a supervisor or County Official trained to recognize signs of alcohol and/or substance abuse indicate possible use. The observations may include, but are not limited to behavior, speech, body odor or appearance.

- a. **Follow-up testing.** When an employee in a safety-sensitive position is determined to need assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, that employee will be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional.  
Follow-up testing will be conducted only when the employee is performing safety-sensitive functions, just before performing or just after performing such functions.
- b. **Consent to be tested.** Before an alcohol or drug test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting the release of test results to those County officials with a need to know. Failure to give consent will be grounds for denial of employment or dismissal.
- c. **Employer notifications.** The County shall notify an applicant of the results of a pre-employment controlled substance test conducted under this policy, if the applicant requests results within sixty (60) days of being notified of the disposition of the employment application. The County shall also notify employees of the results of random, reasonable suspicious and post-accident tests for controlled substances conducted under this policy if the test results are verified positive.
- d. **Challenge to results.** Within five days of notification of a confirmed positive drug test, an employee or applicant may request that the original sample be sent to an approved laboratory for a third test, at their

expense. The results of this test will be taken into consideration for employment of a job applicant and for disciplinary action(s) as it relates to employees.

Employees or applicants will be offered the opportunity to discuss positive test results with the Medical Review Officer, to determine if there are alternative explanations for the positive test.

### **Section 8. Training**

All persons designated to supervise persons in safety-sensitive positions shall receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by supervisors to determine whether reasonable suspicion exists to require an employee to undergo testing. The training shall include the physical behavioral, speech and performance indicators of probably alcohol and use of controlled substances.

Information concerning the effects of alcohol and controlled substances use on an individual's health, work and personal life; signs and symptoms of an alcohol or a controlled substances problem will be distributed to all employees who are assigned to a safety-sensitive position, as well as information on treatment programs available.

### **Section 9. Employee Information**

Employees with questions regarding this policy may contact the County Manager.

### **Section 10. DEFINITIONS**

**AFTERCARE PROGRAM:** A defined treatment and monitoring program for rehabilitation and relapse prevention (normally after acute care, such as in-patient alcohol or drug treatment). Example: Alcoholics Anonymous or other structured support groups.

**ALCOHOL/SUBSTANCE ABUSE:** Consists of the following:

- a) Any use of illegal drugs or controlled prescription drugs obtained unlawfully; or
- b) Excessive use of lawfully obtained prescription drugs or over-the-counter drugs or alcohol when such use of substantially impair job performance, alters work behavior, and/or creates a risk to the health and/or safety of the employee or others.

**DRUG:** A controlled substance as defined in NC General Statute 90-87(5) or a metabolite thereof. These substances include, but are not limited to, marijuana, cocaine, heroin, prescription drugs, alcohol, opiates, amphetamines, and synthetically produced drugs or other impairing substances, drugs, unless the context indicates otherwise, does not include non-controlled, over-the-counter drugs.

**REASONABLE SUSPICION:** The belief that an employee or applicant is probably using or has recently used drugs or alcohol in violation of the County's policy. This belief shall be based upon specific, objective facts and reasonable inferences.

**SAFETY-SENSITIVE POSITIONS:** Positions in which employees are entrusted with preserving the public health and safety or the safety of other employees. These employees have a special responsibility to maintain physical and mental fitness for duty at all times while on the job. These positions are defined as:

- a. Positions (full-time, part-time, temporary or contract) requiring the use of weapons, or operation of vehicles, machinery or equipment as a primary task.

- b. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury or death, or the nature of which would create a security risk in the workplace.
- c. Positions requiring the potential use of weapons.
- d. Positions where the incumbent's mental fitness is required to prevent immediate injury to the public or to fellow employees.

**TESTING:** Analysis conducted by a certified laboratory or agency, to determine blood, alcohol or drug level, using appropriate methods (blood, breath analysis, urinalysis, hair test or other) and following chain of custody or other procedural guidelines.

**ATTACHMENT 1  
EDGECOMBE COUNTY  
DRUG SCREENING THROUGH URINALYSIS  
APPLICANT CONSENT FORM**

I, \_\_\_\_\_, (print name) understand that as a part of the pre-employment process as required by County for the position of \_\_\_\_\_, I must submit to a urinalysis drug screening.

I hereby voluntarily consent to and authorize this test for the purpose of screening for the presence of illegal and unauthorized drugs.

I hereby authorize the release of the results of this test to the County's Medical Review Officer and County officials with a need to know.

I acknowledge that I have been notified of the County's drug testing policy.

I will notify the Medical Review Officer concerning all current and recent use by me of prescription and over-the-counter medications at the time of the urine test.

I understand:

- a. That a negative result is a condition of employment.
- b. That all initial positive results will be confirmed by an approved laboratory using a Gas Chromatography/Mass Spectrometry test.
- c. That if I am rejected for employment on the basis of a confirmed positive drug result, I cannot be considered for employment with the County for one year.
- d. That refusal to take the test will result in my no longer being considered as a candidate for employment for the position sought.
- e. That I may request a retest, at my own expense, of the same sample in the event of a positive test result.
- f. That I may discuss positive test results with the Medical Review Officer, to determine if there are alternative explanations for the positive test results.
- g. That the results of the urinalysis will be available to me as soon as possible after receipt by the County's Medical Review Officer.

Signature of Applicant: \_\_\_\_\_

Date:

NC Driver's License No.:

If you are below 18 years of age:

Signature of Consenting Parent/Legal Guardian:

\_\_\_\_\_

\_\_\_\_\_

**ATTACHMENT 2  
EDGECOMBE COUNTY  
AUTHORIZATION TO TEST APPLICANT**

\_\_\_\_\_ (Print FULL Name) is authorized by the County to have a urinalysis conducted, prior to employment with the County. The test will be conducted at a time designated by the County and, unless otherwise specified, the test will be conducted at \_\_\_\_\_.

NC Driver's License #:

Other Picture ID #:

Signed:

(County Representative)

(Note: Remember to take a valid NC Driver's License or other picture identification with you for the test.)

**ATTACHMENT 3  
EDGECOMBE COUNTY  
IMPLEMENTATION OF PERSONNEL POLICY BY RESOLUTION**

**WHEREAS**, the Edgecombe County Board of Commissioners expresses its intent to provide County employees with Personnel and Administrative Policies, as more specifically set forth in that in certain documents entitled Edgecombe County Personnel and Administrative Policies as a Personnel and Administrative Policy of Edgecombe County, North Carolina, and to implement such Personnel and Administrative Policies for the purpose of facilitating the performance and operation of personnel and administrative functions within Edgecombe County; and

**WHEREAS**, the Edgecombe County Board of Commissioners does not intend, by its adoption of these Personnel and Administrative Policies, to create any property interest in continued employment or to provide for any exceptions to at-will employment principles; and

**WHEREAS**, the Edgecombe County Board of Commissioners wishes to have Personnel Policies govern the recruitment, appointment, classification, salary, promotion, demotion, discipline, dismissal, and other terms and conditions of employment of employees of Edgecombe County, North Carolina; and

**WHEREAS**, the Edgecombe County Board of Commissioners hereby confirms that Edgecombe County is an Equal Opportunity Employer, and that it hires only United States citizens and lawfully Authorized alien workers; and

**WHEREAS**, the County Manager is authorized to interpret where necessary all provisions of this policy.

**WHEREAS**, all other personnel and administrative policies are repealed in their entirety and replaced with this policy, and the only exceptions to this policy will be by resolution based on the recommendation of the Edgecombe County manager.

**NOW, THEREFORE, BE IT RESOLVED**, that the Edgecombe County Board of Commissioners hereby adopts and implements as a Personnel and Administrative Policy of Edgecombe County, the Edgecombe County Personnel and Administrative Policy, and the terms and provisions of such Personnel and Administrative Policy,

**Adopted** this the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2013, to be effective immediately.

Attest:

\_\_\_\_\_  
County Manager

\_\_\_\_\_  
Board Chairman

\*revised 8/2013

ATTACHMENT 4  
EDGECOMBE COUNTY  
SUPPLEMENT TO PERSONNEL POLICY

ARTICLE III. CONDUCT.

Section 12. Appearance and Dress Guidelines

A. Purpose

The purpose of this policy is to encourage County employees to adopt standards of dress, grooming and hygiene which will enhance their professional image with the citizens of Edgecombe County and with their fellow employees.

B. Personnel Affected

This policy applies to all employees who are not required to wear County-issued or agency prescribed uniforms.

C. Determination of Appropriate Dress

Determinations as to the appropriateness of employees' dress, grooming and hygiene will be made by the Department Head or Supervisor. Employees are expected to use their best judgment, keeping in mind the goal of presenting a professional appearance in the workplace.

1. Appropriate dress for Men:

\* suits, sports jackets, sweaters, turtlenecks, collared shirts with or w/o tie, polo shirts, denim shirts except stonewash, dress slacks, banded collar shirts and khaki pants.

2. Appropriate dress for Women:

\* long pants or dress crop pants/slacks, khaki pants, dresses, skirts and suits (no shorter than 3 inches above the knee)

\* Dress Capri slacks below the knee are acceptable. No cargo look, ties, drawstrings, rollups, or cuffs at the bottom

\* skirts with splits are acceptable if split is no higher than 3 inches above the knee

\* denim skirts, dresses and shirts except stonewash

\* sandals are acceptable as long as they are dress sandals including thong sandals (no flip flops, beach shoes or crocs)

3. Appropriate dress for Court Appearance:

\* formal business attire is required for court. Men must wear dress shirt, dress pants, sport coat/blazer and tie or suit with tie. Women must wear dresses or skirts that are of appropriate length, dress blouses or sweaters, dress slacks and dress shoes. *No denim material of any type or color should ever be worn to court.*

4. Appropriate footwear for Women and Men:

\* footwear should be selected according to the type of work performed, keeping safety, comfort and professional appearance in mind. *Employee should be aware of their heel height because it may pose a tripping or falling hazard.*

Examples of Inappropriate Dress:

- \* shorts or mini skirts
- \* skin tight clothing
- \* midriff tops, tank tops, T-shirts, spandex bike shorts or pants
- \* athletic clothing (i.e., jogging suits or wind suits)
- \* sundresses, halter tops, spaghetti straps
- \* culottes or skorts
- \* excessively baggy, low riding, wide legged jeans
- \* leggings or stirrup pants
- \* beach shoes, flip flops or crocs
- \* sneakers, tennis shoes or athletic shoes (*exception will be made for medical reasons with a signed statement from physician*)
- \* sandals for men
- \* stonewash denim, denim with tears or rips
- \* unnatural hair color (for example: pink, blue, green, etc.)
- \* tattoos which could be distracting or offensive to customers shall be covered by clothing or make-up while working. Future tattoos should be inconspicuous.
- \* visible body piercing should be limited and the wearing of facial jewelry, such as nose rings, tongue rings, and lip and eyebrow rings, are not allowed at work or any county function.
- \* revealing clothing that exposes excessive amounts of skin including: back, chest, cleavage, stomach, underwear, or leg.

D. ENFORCEMENT

Employees who report to work dressed inappropriately will be:

1st Offense: Directed by their department head or supervisor to return home for the purpose of changing clothes. The time required to do this will be taken as EMPLOYEE VACATION LEAVE.

2nd Offense: Same as 1st offense. Employee will also be subject to disciplinary procedures.

E. EXCEPTIONS

1. RELAXED FRIDAY ONLY WEAR:

- \*Jeans allowed as determined by the County Manager
- \*Holiday Painted sweatshirts ONLY DURING THE HOLIDAY SEASON

*EXCEPTIONS FOR FRIDAY: WHEN ATTENDING MEETINGS OUTSIDE BUILDING OR ATTENDING A SCHEDULED IN-HOUSE MEETING WITH VISITORS PROFESSIONAL ATTIRE MUST BE WORN*

2. Exceptions to the standards of dress may be made under special work circumstances as designated by the Department Head.

This amendment will be reviewed and/or updated periodically to address the fast changing fashions within our society, therefore items not specifically addressed as appropriate will be considered inappropriate until an update is performed.

Updated April 2014.  
Adopted by the BOC 4-7-2014