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PERSONNEL POLICY**

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ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy

The purpose of this policy and the rules and regulations are set forth to establish a fair and uniform system of personnel administration for all employees of the County which will enable the County to recruit, select, develop and maintain an effective and responsible work force. The policy applies to all employees under the supervision of the County Manager, elected officials, Elections Board, Board of Health, and Social Services Board. These aforementioned entities are the official appointing authorities covered by this personnel policy. State requirements will supersede these policies for positions subject to the State Personnel Act whenever there is a conflict. This policy is established under authority of G.S. 153A, Article 5 and G.S. 126 of the General Statutes of North Carolina.

Section 2. Implementation of Policy

- a) This policy stands up-dated effective August 5, 2002. All policies, ordinances, or resolutions that conflict with the provisions of this policy are hereby repealed.
- b) Any employee violating any of the provisions of this policy shall be subject to suspension and/or dismissal. In addition to any civil or criminal penalty which may be imposed for the violation.

Section 3. Merit Principles

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

Section 4. Application of Policies, Plan, Rules, and Regulations

This personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all County employees. The County Manager, County Attorney, elected officials, appointed members of the County Board, advisory boards and commissions, employees of the County Library, employees of the Board of Education, and employees of the Nash-Edgecombe Area Mental Health Program will be exempted except in sections where specifically included.

- a) The following employees shall be covered only by the designated Articles and Sections:
- b) Employees of the North Carolina Cooperative Extension Service shall be subject to Article V, Section I, 9 -10. (Denoted by Ext: Extension);

- c) The Director of Elections shall be subject to Article II and III; Article IV, Sections 1-4; Articles V and VI; Article VII; Article VIII, Sections 7 and 9. (Denoted by DOE: Director of Elections);
- d) Temporary employees as designated by the Board of Commissioners shall be subject to Article I, Article III, Section 14; Article IV, Sections 1-6; Article V; Article VI, Sections 1 and 8; Article VII, Section 4; and Article XI. (Denoted by TEM: Temporary).

Section 5. Responsibilities of the County Board of Commissioners

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

Section 6. Responsibilities of the County Manager

The County Manager shall be responsible to the County Board of Commissioners for the administration and technical direction of the human resources program. The County Manager shall appoint, suspend, and remove all County officers and employees except those elected by the people or whose appointment is otherwise provided for by law. The County Manager shall make appointments, dismissals and suspensions in accordance with 153-A-82 of the General Statutes of the State of North Carolina and other policies and procedures spelled out in other Articles in this Policy.

The County Manager may delegate human resources functions, as appropriate. The County Manager or designee shall maintain the position classification plan and the pay plan and perform such other duties in connection with a modern human resources program as the 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 pay plan;
- d) determine which employees shall be subject to the overtime provisions of FLSA;
- e) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County;
- f) perform such other duties as may be assigned by the County Board of Commissioners not

inconsistent with this Policy; and

- g) appoint an employee to the role of Human Resources Director.

Section 7. Elected Officials

Those officials elected by the people, Sheriff and Register of Deeds, have the right to hire, discharge and supervise employees in their departments under the authority of 153-103 of the General Statutes of the State of North Carolina.

Section 8. Responsibilities of the Human Resources Director

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

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

Section 9. Departmental Rules and Regulations

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

Section 10. Definitions

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

- a) **Full-time employee.** An employee who is in a position for which an average workweek equals at least 40 hours, and continuous employment of at least 12 months, is required by the County.
- b) **Part-time employee.** An employee who is in a position for which an average workweek of at least 20 hours and less than 40 hours and continuous employment of at least 12 months is required by the County.
- c) **Probationary employee.** An employee appointed to a full or part-time position that has not yet successfully completed the designated nine-month probationary period. Persons in trainee status are a probationary employee for the full duration of their appointment in that status.
- d) **Permanent employee.** An employee appointed to serve in a full or part-time position for an indefinite duration and who has successfully completed the designated probationary period.
- e) **Temporary employee.** An employee appointed to a position for which either the average work week required by the County over the course of a year is less than 20 hours, or continuous employment required by the County shall not exceed 12 months.
- f) **Trainee.** An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.
- g) **Appointing Authority.** Any position with legal or delegated authority to make hiring decisions.
- h) **Grievance.** A grievance is a follow-up claim or complaint based upon an event or condition which has resulted in a permanent employee having been demoted, suspended, dismissed, laid-off, had a reduction in pay or who believe he/she has been discriminated against because of age, sex, race, religion, handicap, or pregnancy.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose.

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

Section 2. Composition of the Position Classification Plan

The classification plan shall consist of:

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

Section 3. Use of the Position Classification Plan

The classification plan is to be used:

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

Section 4. Administration of the Position Classification Plan

The County Manager, assisted by the Human Resources Director, shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The Human Resources Director shall periodically review portions of the classification plan and recommend revisions to the County Manager to ensure that classifications accurately reflect current job duties and responsibilities. The Human

Resources Director shall also periodically review the entire classification plan and, when needed, recommend major changes to the County Manager.

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

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

Section 6. Request for Reclassification

Requests for position reclassifications should be submitted in writing by the department head or agency director to the Human Resources office. Upon receipt of such request, the Human Resources Director or designee shall study the request, determine the merit of the reclassification and present to County Manager for approval. Upon approval, the Human Resources Director or designee shall make the necessary changes to maintain a fair and accurate classification plan.

ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the Salary Schedule and the Assignment of Classes to Salary Grades and Ranges adopted by the Board of County Commissioners. The salary schedule consists of steps for minimum, maximum and intervening rates of pay for all classes of positions and designation of the standard hours in the workweek for each position approved by the Board of County Commissioners. Salary increases within the pay range shall be based on performance and other criteria established by the County Manager.

Section 2. Administration and Maintenance of the Pay Plan

The County Manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the County, and other factors. To this end, the County Manager shall from time to time make comparative studies of all factors affecting the level of salary ranges and may make minor adjustments in the allocation of positions to salary grades. When major adjustments encompassing numerous positions are needed as a result of a comprehensive salary survey, or when a general adjustment is needed to the pay plan, the County Manager shall recommend such changes in salary ranges as appear to be warranted to the Board.

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

The Board shall adopt the Salary Schedule and assignment of Job Classes to Salary Grades, including any minor adjustments made by the County Manager during the previous budget year, annually as part of the budget process.

The County Manager may approve in-range adjustments to employee salaries when necessary to accommodate inequities, special performance or achievements, or other issues.

Section 3. Starting Salaries

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

Pay for part-time or temporary status will be paid a prorated amount determined by converting the established salary range to an hourly rate.

Section 4. Trainee Designation and Provisions

Applicants being considered for employment or County employees who do not meet all of the established requirements for the position for which they are being considered, may be hired, promoted, demoted, or transferred by the County Manager to a "trainee" status or as a "work against". In such cases, a plan for training and meeting the minimum qualification for the job classification, including a time schedule, must be prepared by the supervisor. An employee shall remain at the trainee or "work against" salary level until the department head certifies that the employee is qualified to assume full responsibilities of the position and the County Manager approves the certification. The department head shall review the progress of each employee in a trainee or "work against" status every six months or more frequently as necessary to determine when the employee is qualified to assume full responsibilities of the position.

"Trainee" salaries may be one to three grades below the minimum salary established for the position for which the person is being trained. Assignment three grades below are appropriate when the traineeship is expected to last two years. Assignment two grades below are appropriate for more than six months but less than two years. The actual assignment should be reviewed and approved by the Human Resources Director. Generally, salary increases are provided at specific intervals and may be advanced or delayed depending on the employee's progress. A new employee designated as "trainee" appointment shall be in a probationary status until requirements for the full job class are met. If the training is not successfully completed as planned, the employee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the Minimum rate established for the job class.

Section 5. Probationary Pay Increases

Employees hired or promoted into the Minimum Rate of the pay range may be eligible to receive a salary increase within the salary range upon successful completion of the applicable probationary period subject to funding availability. Employees hired or promoted above the hiring rate may also be considered for an increase when removed from probationary status, based upon performance level.

Section 6. Performance Pay Increases

Upward movement within the established salary range for an employee is not automatic but rather based upon specific performance-related reasons. Employees may be considered for advancement within the established salary range based on the quality of their overall performance. Procedures for determining performance levels and performance pay increases shall be established in procedures approved by the County Manager when funds are available.

Section 7. Performance Pay Bonus

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

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

When an employee is promoted, demoted, transferred, or reclassified, the rate of pay for the new position shall be established in accordance with the following rules:

Promotions. When an employee is promoted to a position with a higher salary grade, the employee's salary shall normally be advanced to the Minimum Rate of the new position, or to a salary which provides an increase of at least 1 step (2.5%) over the employee's salary before the promotion, provided, however, that the new salary may not exceed the Maximum Rate of the new salary range. The purpose of the promotional pay increase is to recognize and compensate the employee for assuming increased responsibility.

Demotions. When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job when the demotion is not the result of discipline. If the current salary is within the new range, the employee's salary may be retained at the previous rate, if appropriate. Consideration should be given to whether the employee is receiving the same pay for decreased workload or responsibility level and action should be appropriate to this consideration. If the demotion is the result of discipline, the salary shall be decreased at least 1 step (2.5%), but may be no greater than the maximum of the new range.

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

Reclassifications. An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of 1 step (2.5%) or an increase to the Minimum Rate of the new pay range, whichever is higher. If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

Section 9. Salary Effect of Salary Range Revisions

When an approved salary range revision for a class of positions assigns the class to a higher salary range as a result of labor market conditions, employees in that class shall be brought to the minimum of the new class unless the current salary of the employee is at or above the new minimum, then the employee shall receive at least a 2.5% increase to alleviate possible compression. An employee's salary may not be increased above the maximum of the range.

When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee in that class being paid at a rate above the maximum step established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

Section 10. Transition to a New Salary Plan

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

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

Section 11. 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 such specific date as may be provided by procedures approved by the County Manager.

Section 12. Overtime Pay Provisions

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

Overtime opportunities will be distributed as equally as practicable among employees in the same job class, department and shift regardless of age, sex, race, color, creed, religion, national origin, political affiliation, or physical handicap. It is the policy of Edgecombe County not to pay for overtime unless authorized. Unauthorized overtime will not be paid and may result in dismissal on the grounds of insubordination.

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

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

Compensatory time off may be substituted when necessary and determined by the County Manager, based on recommendations from the department head. Department heads and supervisors are responsible for ensuring that an employee shall not accumulate more than (80) eighty hours of compensatory time at any time. Nonexempt employees separating from employment shall be paid for their accumulated compensatory time in accordance with FLSA provisions.

In emergency situations, where employees are required to work long and continuous hours, the County Manager, subject to Board of Commissioner approval, will approve compensation pay at time and one half (1 ½) for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions.

Employees determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) will receive compensatory time for hours worked in excess of their normal work periods on an hour for hour basis, except in emergency situations, wherein the County Manager, subject to Board of Commissioner approval will grant pay or compensatory time at the overtime rate of time and one half (1½). Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization and should be taken off in the pay period in which it is earned or no later than the following pay period. Only hours actually worked shall be considered in the computation of overtime; in no event will vacation, sick leave, or holidays be considered as hours worked, however such overtime may be used to reduce the number of vacation and sick leave hours used.

Department Heads may be granted compensatory leave on an hour for hour basis where the convenience of the department allows and in accordance with procedures established for exempt personnel. The Veterans Service Officer position is not a designated Department Head level position.

Department heads may, with prior approval of the County Manager, establish a different overtime schedule for those employees whose number of hours worked or hours “on-call” exceeds the number of hours constituting the established workweek for the employee’s position.

Section 13. On-Call and Call-Back Compensation

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. One of the conditions of employment with the County is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the County Manager.

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” duty will be paid eight hours of work for each week (approximately 128 hours, excluding work time) of stand-by time they serve. Stand-by compensation for less than one full week shall be determined by the ratio of .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 will be guaranteed a minimum of two hour’s wages 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 14. Payroll Schedule and Deductions

The payroll schedule shall be established by the County Manager and shall be administered by

the Finance Department.

The County uses a mandatory direct deposit method of payment. Employees shall provide the necessary information to enable and maintain direct deposit. It shall be the responsibility of the employee to provide current information for the purpose of direct deposit.

Payroll deductions specifically mandated or authorized by federal or state law will be deducted at each pay period from each employee's salary. These include federal and state withholding taxes, social security, FICA, retirement contributions, and garnishments. Other deductions as requested and authorized by each employee may be made for benefits such as insurance, deferred compensation, United Way and credit union participation. Additional deductions may be made on determination by the County Manager as to capability of payroll equipment and appropriateness of the deductions.

Section 15. Longevity Pay

Full-time and eligible part-time employees of the County are compensated for continuous years of service with Edgecombe County by payment of a longevity supplement. The percentage of compensation will depend on the number of full years of continuous Edgecombe County service as of November 1st of each year. The percentage will be based on the following tables;

Years of Service	Longevity Amount
5 - 9	2.5%
10 - 14	4%
15 - 19	5%
20 - 24	6%
25 plus	6.5%

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.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

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

The affirmative action program shall insure greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward open recruitment.

Section 2. Implementation of Equal Employment Opportunity Policy

The County Manager is ultimately accountable for equal employment opportunity and the County's affirmative action efforts. The Manager may appoint an Affirmative Action Officer to assist in monitoring, consulting and reporting on affirmative action. All department heads will share responsibility for the affirmative action program for equal employment opportunity.

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

A planned and organized recruitment program shall be maintained by the Human Resources Director that is carried out in a manner that assures open competition and recruitment, selection, and advancement of employees will be on the basis of their relative ability, knowledge and skills.

Section 3. Recruitment, Selection and Appointment

Recruitment Sources. All vacant positions being filled will be publicized to permit an open opportunity for all interested employees and applicants to apply. The supervisor will notify the Human Resources Director who shall publicize these opportunities for employment, including applicable title, salary range, key duties, 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. 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.

Job Advertisements. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

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

Applicant Interest Card. Persons interested in employment with the County may complete an applicant interest card concerning all of the positions for which they wish to apply. These cards will be maintained for a period of six months. When a vacancy occurs in positions of interest, the card will be sent, notifying the person and requesting that the person complete an application before the designated deadline.

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

Selection. Selection will be based upon relative consideration of the applicants' qualification for the position to be filled to determine the best qualified candidate. Department heads, with the assistance of the Human Resources Director, shall make reference checks and conduct such examinations as deemed appropriate to accurately assess the aptitude, education and experience, knowledge, skills, abilities and other qualifications required for the position. Interview questions will be job related and questions will be valid and standardized for all interviewees. All selection devices administered by the County shall be valid measures of job performance. The same selection process will be used consistently with all applicants.

Qualification Standards. County employment standards are established by the position classification plan and include knowledge, skills and abilities, education and experience standards, and license, registration, or certification required by State statute and rules.

These qualifications shall be reviewed periodically by the County Manager and department heads to assure that requirements are fair and conform to actual job performance requirements.

In some instances, the County may employ an applicant in a trainee position who does not meet all minimum qualification and the deficiencies can be eliminated through orientation and on-the-job training.

Appointments

Before any commitment is made to an applicant either internal or external, the Appointing Authority shall make recommendations to the Human Resources Director including the position to be filled, the salary to be paid and the reasons for selecting the candidate over other candidates. The Human Resources Director will review the request, provide comments and or recommendations, and forward to the County Manager. The County Manager shall approve or reject the appointment and starting salary of the employee. Exceptions are the Sheriff and Register of Deeds who shall make the appointment and the County Manager will determine the classification and starting salaries of new employees within those departments.

By authority of Chapter 153-103 of the North Carolina General Statutes, the Board of Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood or marriage or nearer kinship than first cousin (or of a person who has been convicted of a crime involving moral turpitude.)

Credentials Verification

If a position requires a specific degree, certification, licensure, or registration, appropriate documentation must be furnished by the selected applicant before employment.

Credentials of new and/or promoted employees shall be verified within 60 days from hiring date, including official transcripts which will be requested and received by the Human Resources Department. The Human Resources Department must be kept informed of employee licensure status as required and must receive renewals as appropriate. Failure of an employee to comply with provisions of NC State law concerning licensure, certification and registration, will be basis for termination of employment.

Section 4. Probationary Period

An employee receiving an original appointment or promotion to a permanent position shall serve a probationary period of nine months. Sworn law enforcement personnel of the Sheriff's department shall serve a twelve (12) month probationary period.

Department heads shall serve a twelve-month probationary period. Former employees who are rehired shall also be required to serve a probationary period.

The probationary period is considered an extension of the selection process. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Before the end of the probationary period, the supervisor shall determine whether or not the employee is performing satisfactory work and meeting job expectations. The employee's progress (accomplishments, strengths, and weaknesses) will be discussed with the employee and a summary of this discussion should be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of three additional months. Therefore, the maximum probationary period for law enforcement officers and department heads

is fifteen months and for other County employees it is twelve months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the period of a new hire without following the steps outlined in Article X of this manual. A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee may be dismissed in accordance with Article IX of this manual.

Section 5. Promotion

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the County's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be promoted to that position. The County will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the most productivity in that position. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Candidates must possess the minimum requirements and shall apply for promotions using the same application process as external candidates.

Section 6. Demotion or Reassignment

Demotion or reassignment is the movement of an employee from one position to a position in a class assigned to a lower salary range. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in the lower position and possesses the minimum requirements for the position. Such demotion shall follow the disciplinary procedures outlined in this chapter. Demoted employees may appeal this decision based on the Grievance Process outlined in Article X.

If the change results from a mutually agreed upon arrangement, the action is considered a reassignment and will be documented in writing and filed in the employees' official personnel file.

Section 7. Transfer

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The department head wishing to transfer an employee to a different department or classification shall make a recommendation to the County Manager. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in Article IX.

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

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

Full-time employees normally work five (5) eight (8) hours days per week. Department heads shall work the number of hours necessary (not less than the established work week) to assure the satisfactory performance of their duties.

Department heads may schedule individual employees for 8 hour schedules between 7:30 am and 5:30 p.m. provided that all services are provided to the general public from 8:00 am to 5:00 p.m. Department heads shall establish work schedules, with the approval of the County Manager, which meet the operational needs of the department in the most cost effective manner possible.

Breaks. Breaks are a benefit, not a right and cannot be guaranteed. Subject to the workload and approval of the department heads, employees may take a 15 minute break both in the mid-morning and mid-afternoon. The schedule for breaks shall be staggered so that the department work schedule shall not be interrupted. Breaks may not be combined, accumulated, or used as extensions of lunch breaks. Breaks may not be used to arrive late to work or leave early from work.

Section 2. Gifts and Favors

a) No official or employee of the County shall accept any gift of substantial monetary value whether in the form of service, loan, thing or promise from any persons who to the employee's knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the County.

b) No official or employee shall accept any gift, favor or thing of value that may tend to influence that employee in the discharge of duties.

c) No official or employee shall grant in the discharge of duties any improper favor, service or thing of value.

Section 3. Political Activity

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

a) Engage in any political or partisan activity while on duty;

b) Use official authority 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.

Section 4. Expectation of Ethical Conduct

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

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

Section 5. Outside Employment

The work of the County shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported in advance to the employee's department head, which in turn will report it to the County Manager. The County Manager will review such employment for possible conflict of interest and then approve or disapprove the secondary employment. Conflicting or unreported outside employment are grounds for disciplinary action up to and including dismissal.

Section 6. Dual Employment

A full or part-time employee of the County may simultaneously hold another position with the County if the temporary position is in a different department and clearly different program area from that of the full or part-time position. However, the work of the full or part-time position shall take precedence over the temporary position, and such work will not count toward the calculation of overtime for pay or time off.

Section 7. Employment of Relatives

The County prohibits the hiring and employment of immediate family in permanent positions within the same work unit. The County also prohibits the employment of any person into a permanent position who is an immediate family member of individuals holding the following positions: County Board of Commissioners Member, County Manager, Deputy County Manager, Finance Officer, Human Resources Director, County Clerk, or County Attorney. Otherwise, the County will consider employing family members or related persons in the service of the County, provided that such employment does not:

- 1) result in a relative supervising relatives;
- 2) result in a relative auditing the work of a relative;
- 3) create a conflict of interest with either relative and the County; or
- 4) create the potential or perception of favoritism.

“Immediate family” is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

This clause shall not be retroactive concerning any relative currently working for the County or anyone who has filed for election at the time of adoption.

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

Section 8. Harassment

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

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any employee who believes that he or she may have a complaint of harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the County

Manager, Human Resources Director, or any department head who will advise the Human Resources Director of the complaint. The Human Resources Director will insure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation.

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

Section 9. Residency Requirements

(a) Any person hired or promoted following adoption of this policy into the positions of Assistant County Manager, Clerk to the Board of Commissioners or Directors of Finance, Tax Assessment; Tax Collection; Emergency Services; Planning and Inspections; Elections; Cooperative Extension; Information Services; Solid Waste; Maintenance; Water and Sewer; Health and Social Services or any newly created Department Head level position must be residents of the geographic limits of the County except the County Manager may temporarily waive this requirement as determined by the Board of Commissioners.

(b) All persons employed by the County in positions requiring on-call duty or emergency call duty must reside in such proximity of the County that may, without exceeding a safe speed, be present and available for duty within (60) sixty minutes after notification.

Section 10. Use of County Time, Equipment, Supplies, and Vehicles

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

All employees, who use County vehicles, are required to follow applicable motor vehicle and safety requirements. Violation or misuse of County vehicles also subjects the employee to disciplinary action, up to and including dismissal.

Internet and E-mail Usage: Employees have an obligation to use their access to Internet and e-mail communication in a responsible and informed way to perform research and acquire information related to or designed to facilitate the performance of regular assigned duties, communicate with fellow employees regarding matters within an employees' assigned duties; transfer files and other information related to assigned duties and facilitate performance of any task or project in a manner conforming to network etiquette, customs and courtesies and representing the County in a positive manner. Prohibited uses includes but is not limited to: illegal activities, threats, harassment's, slander, defamation, prolonged personal use, obscene or suggestive images or offensive graphical images, sending or soliciting sexually oriented messages or commercial activities.

Employees will have no expectation of privacy in both sending and receiving electronic messages and information on the Internet or via e-mail. Employees should be aware any stored data on

systems and equipment of the County are subject to auditing and inspection at any time. Violation of this and other supplemental Internet policies as distributed by the County is subject to disciplinary action up to and including dismissal.

Section 11. Performance Evaluation

Performance evaluations are an essential part of a productive work environment. Supervisors and employees must agree on future goals and objectives. It helps employees to identify their strengths and recognize their developmental needs. It also serves to motivate and stimulate accomplishment of overall departmental goals.

Each year all general County employees will be evaluated by their immediate supervisor, department head, or designee. New employees will be evaluated at the end of their nine-month probationary period. Each employee will have input in and discussion around his/her evaluation report that he/she signs and is placed in the employee's personnel file. Employees may file an appeal of their performance rating in accordance with Article X of this manual.

The County Manager evaluates department heads and directors.

These performance evaluations shall be documented in writing and placed in the employee's personnel file. The County Manager shall publish procedures for the performance evaluation program.

Section 12. Safety

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

The County Manager may establish additional detailed procedures regarding safety, worker's compensation, injury, and infection control.

Section 13. Immigration Law Requirements

All employees are required to furnish proof of citizenship or other required documents indicating a legal right to work in the United States. Copies of the completed I-9 form shall be a permanent part of their personnel file.

Section 14. Substance Abuse

The County is firmly committed to maintaining a drug and alcohol free work environment in order to insure the safety and welfare of the general public and all County employees and to insure an efficient and effective work force. The County also seeks to aid employees experiencing substance abuse problems by offering rehabilitation opportunities. The County Manager has the authority to establish, administer, and enforce substance abuse processes and procedures within the County.

Section 15. Travel Rules and Regulations

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

A County vehicle shall be used for official County business only. If a County vehicle is involved in an accident, the County Managers' office and respective department heads must be notified within 24 hours after the accident. Additionally, the vehicle should not be moved until after the accident has been investigated by law enforcement officers.

The County Manager must authorize travel on official county business outside of the state. A request for travel must describe the travel requested, the purpose of the proposed trip, the period of time away from the county and approval of the department head, if applicable and the County Manager.

Reimbursement. Employees and officials traveling on a reimbursable basis for the County will keep accurate records of expenses, date of departure and return to and from destination. Receipts for the cost of hotel, meals, and other travel expenses must be attached to the employee's signed travel claim and submitted to the employee's department head for reimbursement (In cases of department heads - submit to the County Manager).

An employee on official County business may be reimbursed for travel within or away from the County. He/she will be reimbursed for certain items as follows:

- a) Total cost of operation and maintenance of official County vehicle; travel by personal car is at a mileage rate that is determined annually by the Board of Commissioners; approved actual cost of travel by public transportation.
- b) Living expenses for all room and board for trips outside of Edgecombe County and special expenses paid from personal funds such as parking fees, tools, registration fees and other related expenses.

Training Expense. When an employee or official is attending an authorized job related training program, expenses such as tuition, books, and travel to and from the training events are covered.

No reimbursement will be made for lunch within the County unless a meeting is held within a facility in the County whereby a minimum number of meals must be purchased in order to use the facility or in cases where employees are required to attend such functions in their course of work.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

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

Section 2. Group Health and Hospitalization Insurance

The County provides group health and hospitalization insurance programs for permanent full-time and part-time employees, including probationary employees.

Full premium costs for the full-time permanent and probationary employee will be borne by the County. Dependents of employees may be enrolled in the program upon request and in accordance with provisions of the insurance contracts at the employee's own expense. New employees shall become eligible for coverage the month after their first payroll check.

Permanent part-time employees who work 80 hours or more per month will become eligible for group health insurance participation with coverage beginning the month after their first payroll check. The County will pay the percentage of the employee's premium as related to the percentage of hours worked during a regular month while the balance will be borne by the employee. Dependents of employees may be enrolled in the program upon request and in accordance with provisions of the insurance contracts at the employee's own expense.

Any employee, who by reason of extended illness has exhausted his/her sick leave, vacation, etc. and is carried on the payroll in a non-pay status will have their membership in the County's group insurance carried at the County's expense for one month for each year of service with the County up to a maximum of six (6) months which shall run concurrently with the entitlements under FMLA. This shall not apply to the group insurance for dependents which must be paid at all times by the employee either by payroll deduction or cash in advance. If an employee is ill for a longer time than the above period, he/she may have their membership continued to a maximum of one (1) year, if the insuring company permits; provided the employee pays the premium in advance to the County.

Upon retirement, County employees may continue their participation in the group health insurance program. Employees retiring from Edgecombe County with (30) thirty years of service with the North Carolina Retirement System and at least (5) five years continuous Edgecombe County service are eligible for continued health and dental coverage provided 100% at the county's expense until reaching age (65) sixty-five or becoming Medicare eligible, whichever occurs first. Dependents of post-retirement employees enrolled in the county's program may continue their enrollment upon request and in accordance with the provisions of the insurance contracts at the employee's own expense with premiums payable monthly to the County. The Board of Commissioners from time to time may make other benefits available.

Federal law (Public Law 99-272, title X) requires that employers sponsoring group health plans offer their employees and their families the opportunity for a temporary extension of health coverage (continuation coverage) at group rates in certain instances where coverage under the plan would otherwise end.

An employee of Edgecombe County covered by the group health plan has the right to choose continuation coverage for them and their covered dependents, if the employee loses his group health coverage because of a reduction in his hours of employment or the termination of their employment (for reasons other than gross misconduct on the employee's part).

The spouse of an employee covered by the group health plan has the right to choose continuation coverage for themselves (and dependents, if applicable) if group health coverage is lost for any of the following three reasons:

- (1) The death of the employee's spouse;
- (2) Divorce or legal separation from the employee's spouse; or
- (3) The employee becomes eligible for Medicare.

A dependent child covered by Edgecombe County's group health plan has the right to continue coverage if group health coverage is lost for any of the following reasons:

- (1) The death of a parent;
- (2) A parent becomes eligible for Medicare; or
- (3) The dependent ceases to a "dependent child" under the group health plan.

Under the law, the employee or family member has the responsibility to inform the Group Administrator of a divorce, legal separation, or a child losing dependent status under the group health plan. The employee's management has the responsibility to notify the Group Administrator of an employee's death, termination of employment or reduction in hours, or Medicare eligibility.

When the Group Administrator is notified that one of these events has happened, he/she will in turn notify the employee that he/she has the right to choose continuation coverage. Under the law, an employee has at least 60 days to inform the Group Administrator of wanting continuation coverage.

If an employee does not choose continuation coverage, his/her group health insurance will end.

If the employee chooses continuation coverage, Edgecombe County is required to give coverage, which is identical to the coverage provided under the plan to similarly situated employees or family members. The new law requires that dependents be afforded the opportunity to maintain continuation coverage for three years. The required continuation coverage period is 18 months for employees who lose group health coverage because of employment termination or reduction in hours. However, the new law also provides that continuation coverage may be cut short for any of the following four reasons:

- (1) Edgecombe County no longer provides group health coverage to any of its employees;

- (2) The premium for your continuation coverage is not paid'
- (3) The employee becomes covered under another group health plan;
- (4) The employee becomes eligible for Medicare.

The employee does not have to show that the employee is insurable to choose continuation coverage. However, under the law, an employee may have to pay all or part of the premium for continuation coverage. The new law also says that, at the end of the 18 months or three-year continuation coverage period, an employee must be allowed to enroll in an individual conversion health plan.

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

Section 3. Group Life Insurance

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

Section 4. Other Optional Group Insurance Plans

The County may make other group insurance plans available to employees upon authorization of the County Manager or County Board.

Section 5. Retirement Benefits

Each employee who is expected to work for the County more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System when eligible as a condition of employment.

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

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

Employees who retire with 30 years in the Local, State or Teachers Government Retirement System with at least five (5) or more years' of continuous service to Edgecombe County immediately before retirement are eligible to receive major medical insurance paid by the County until they reach age 65 or become eligible for Medicare, whichever occurs first.

Section 6. Supplemental Retirement Benefits (401-K)

Permanent full-time and eligible part-time employees may participate at their option in the County's Deferred Compensation Program, whereby each employee may set aside a portion of their income up to a percent determined in accordance to current IRS regulations. Both Federal and State taxes are deferred under this program until that point in time when the funds are withdrawn. Payroll deduction of the deferred amount will begin the month after each sign-up period. This money may be withdrawn only through the following means: 1) retirement, 2) termination of employment, 3) death, 4) disability or 5) extreme unforeseen hardship (as determined by a local committee).

The County provides a percentage contribution to a 401k plan for all permanent full-time and part-time general county employees as annually determined by the Board of Commissioners.

The County also provides contributions of 5% to a 401K plan for active law enforcement personnel as required by the State. The County also pays a monthly separation allowance to retired law enforcement officers as required by General Statutes.

Section 7. Social Security

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

Section 8. Workers' Compensation

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

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee and the supervisor and the employee must file such claims with the North Carolina Industrial Commission within two years from date of injury. The Human Resources Director or designee will coordinate the filing of such claims.

Section 9. Unemployment Compensation

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

Section 10. Training and Educational Incentive Program

It is the policy of the County to ensure that employees are provided the necessary training to ensure that employees have the requisite knowledge and skills to perform the job. Training may include on-the-job training and/or support to attend conferences, workshops, seminars, etc.

Training needs will be assessed annually for employees and training programs planned and

offered to meet the identified needs within the funding available. Employees having the same duties and responsibilities and identified training needs will be given equal training opportunities. Priority for training will be on meeting essential training needs to assure that employees can perform the duties of their current job. A process for identifying and notifying employees of opportunities as well as a tracking system for training opportunities, means of communication and participation will be maintained by the Human Resources Office.

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, in a field of education directly relating to the employee's job, during his or her employment with the County, as evidenced by a transcript with a "C" average or better and a diploma, will be rewarded with a one-time payment as follows:

<u>Achievement</u>	<u>Percent of annual salary</u>
High School or Equivalency	2.0%
Two year program degree	3.0%
Four year program degree	4.0%
Graduate degree	6.0%

Employees required to obtain job specific certifications may be eligible for a one-time payment based on a predetermined supplemental policy developed by the Department Head and County Manager. A copy of these policies must be on file in the Human Resources Office and updated annually.

Section 11. Credit Union

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

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the County is to provide vacation leave, sick leave, and holiday leave to all full-time and part-time employees in a regular position with County.

Section 2 . Leave Pro-Rated

Holiday, annual, and sick leave earned by full-time and part-time (at least half the hours of basic workweek) employees with fewer or more hours than the basic work week shall be determined by the following formula:

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

Example: A permanent part-time employee works 20 hours per week and has been employed for three years.

- 1) 20 divided by 40 = .50
- 2) 12 times .50 = 6
- 3) 6 divided by 12 = ½ day per month

Section 3. Holidays

The policy of the County is to follow the holiday schedule listed below: Each holiday is an eight-hour period.

New Year's Day	Memorial Day
Martin Luther King's Birthday	Labor Day
Good Friday	Thanksgiving Thursday & Friday
Independence Day	Christmas (two or three days)
Veterans Day	

When a holiday other than Christmas Day falls on a Saturday or Sunday, Monday shall be observed as a holiday. The County Manager or designee shall decide any conflict in the date of the holiday. The County Manager shall designate the Christmas holidays each year, depending on which day Christmas actually falls.

The County Manager will advise each department head of the upcoming yearly holiday schedule as to what days the County offices will be closed in observance of holidays.

When Christmas falls on:

County Observes

Sunday

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

In order to be eligible for holiday pay, an employee must work the day before and the day after the holiday(s), or have been granted approved leave. In order to be eligible for holiday pay, a permanent part-time County employee must be scheduled for that workday (the Holiday) and will be credited for the hours that the employee would have normally worked on that day.

Section 4. Holidays: Effect on Other Types of Leave

Regular holidays which occur during a vacation, sick or other paid leave period of any officer or employee of the County shall not be considered as vacation, sick, or other paid leave. Employees in a leave without pay status are not eligible for the paid holiday.

Section 5. Holidays: Compensation When Work is Required

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or paid at their hourly rate on an hour for hour basis for the hours actually worked in addition to any holiday pay to which they may be entitled. Compensatory time shall be granted whenever feasible and taken within three (3) months from time it is earned unless special written permission is obtained from the department head. The County may, at its option, choose to pay for hours worked in lieu of time off.

Section 6. Vacation Leave

Vacation leave may be used for rest and relaxation, school appointments, medical appointments, and other personal needs. Any compensatory time earned by the employee must be used prior to using vacation leave.

Vacation leave is earned and accrued from the first day of employment. Employees beginning after the start of the payroll period will earn and accrue leave on a pro-rata basis of the actual days worked in the pay period.

Section 7. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period may take up to three- (3) day's vacation leave during the probationary period with prior approval of the department head.

Section 8. Vacation Leave: Accrual Rate

Each full and part-time employee of the County shall earn vacation at the following schedule, prorated by the average number of hours in the workweek:

<u>Years of Aggregate Service</u>	<u>Days Accrued Per Year</u>	
	<u>General & Agency Employees</u>	<u>Sworn Law Enforcement Officers</u>
Less than 1	7.5	8
1, less than 5	13.5	14.5
5, less than 10	16.5	18
10, less than 15	19.5	21
15, less than 20	22.5	24
20 and over	25	27

Section 9. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31 of each calendar year. Effective the last payroll in the calendar year, any employee with more than 30 days (45 days for sworn law enforcement personnel) of accumulated leave shall have the excess accumulation removed so that only 30 days (45 days for sworn law enforcement personnel) are carried forward to January 1 of the next calendar year. Excess vacation leave as of December 31 will be transferred to an employee's sick leave account.

Employees are cautioned not to retain excess accumulated vacation leave until late in the calendar year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the County Manager may upon recommendation of the department head reschedule the taking of that leave into the next calendar year. In no event shall the rescheduled leave exceed 15 days.

Section 10. Vacation Leave: Manner of Taking

Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the County. Department heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation leave will be taken in fifteen (15) minute increments.

An employee with advance department head approval may take earned vacation leave in short designated intervals that become part of the employee's regular work schedule.

Section 11. Vacation Leave: Payment upon Separation

An employee who has successfully completed six months of the probationary period and is separated without failure in performance of duties or personal conduct, will normally be paid for accumulated annual leave upon separation subject to the 30 day maximum, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Any employee failing to give the notice required by this section shall forfeit payment for accumulated annual leave. The County Manager may waive the notice requirement when deemed to be in the best interest of the County.

For involuntary separation because of failure in performance of duties or personal conduct as outlined in Article VIII, Sections 1-3, accumulated vacation leave may be withheld at the discretion of the County Manager at the time of an employee's separation. Any vacation leave owed the County shall be deducted from the employee's final compensation. If the check has already been written, the employee will be required to repay any over-payment or the paycheck may be withheld as well as any travel expenses due until such repayment has been made.

Section 12. Vacation Leave: Payment Upon Death

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

Section 13. Retention of Benefits

Any permanent employee who transfers from another unit of local or state government shall have their years of services as determined by the number of years paid and retained (withdrawn years will not be considered) in the Local, State, Teachers or Law Enforcement Retirement Systems of North Carolina credited towards the county's schedule for determining vacation accrual rates.

Those employees who are hired directly from the Edgecombe Nash Mental Health Center shall be eligible to transfer all unused sick or vacation leave upon verification.

Section 14. Sick Leave

Sick leave with pay is not a right that an employee may demand, but a privilege granted for the benefit of an employee when sick.

Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment or exposure to a contagious disease when continuing to work might jeopardize the health of others.

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

sick. Sick leave may also be used for death in the employee's immediate family, but may not exceed three days for any one occurrence, except by special permission of the Department Head or County Manager.

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

"Immediate family" shall be defined as spouse, parent, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

Notification of the desire to take sick leave should be submitted to the employee's supervisor before the leave or not later than (30) thirty minutes after the beginning of the scheduled workday. Failure to do so appropriately may result in disciplinary action.

Section 15. Sick Leave: Accrual Rate

Sick leave is earned and accrued from the first day of employment.

Sick leave shall accrue at a rate of one day per month of service or twelve days per year. Sick leave for full-time and part-time employees working other than the basic work schedule shall be pro-rated as described in the "Leave Pro-Rated" Section of this Article.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the County, except as stated for employees retiring or terminated due to reduction in force.

Any compensatory time earned by an employee shall be taken first prior to using the sick leave account. Sick leave shall be taken in fifteen (15) increments.

Section 16. Sick Leave: Maximum Accumulation

Sick leave will be cumulative for an indefinite period of time.

Section 17. Sick Leave: Repayment for Advanced Sick Leave

REPEALED: OCTOBER 7, 2002.

Section 18. Sick Leave: Medical Certification

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

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

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

Section 19. Sick Leave: Retirement Credit

Sick leave may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

Section 20. Intergovernmental Transfer of Sick Leave

A new employee who leaves employment with a governmental unit under the local, state, teachers or law enforcement retirement systems of North Carolina to accept employment with Edgecombe County will be allowed to transfer previously accumulated sick leave (maximum 30 days) to their sick leave account with Edgecombe County.

Section 21. Leave Without Pay

A permanent or probationary employee may be granted a leave of absence without pay for up to six months by the appointing authority; extension of up to three additional months may be granted where extenuating circumstances warrant such action by the appointing authority. The leave shall be used for reasons of personal disability after both sick leave and annual leave have been exhausted, sickness or disability of immediate family members, continuation of education, special work that will permit the County to benefit by the experience gained or the work performed, or for other reasons deemed justified by the County Manager.

The employee shall apply in writing to the supervisor/ department head for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the appointing authority, including any approved extension. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the supervisor shall report the employee's decision to the appointing authority immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

At the department head's discretion, the employee may be granted leave without pay in small increments.

An employee who is on leave without pay status does not exempt that employee from any reduction in force policy, which may be implemented.

Section 22. Voluntary Shared Leave.

In cases of an extended medical condition, an employee may request sick and/or annual leave donations from other County employees. Consenting employees may agree to have leave donations transferred from their accumulated sick and/or annual leave balances to the account of the requesting employee.

All permanent full-time employees are eligible to participate in the voluntary shared leave program subject to the following rules and procedures:

- a) Extended Medical Condition defined as a medical condition of an employee or immediate family member validated by a physician's statement, which requires the employee to be absent from work for more than one pay period.
- b) Immediate Family member defined in Article VII, Section 14 of this policy. The County Manager must approve exceptions.
- c) Employee must have exhausted or expects to exhaust all paid leave (sick, compensatory and vacation) before receiving leave from donors.
- d) The Human Resources Office will notify county employees of any special requests for donated leave following review and approval by committee.
- e) The employee requesting donations must sign a release to allow his/her request to be publicized and complete an application detailing the nature of their request.
- f) The maximum amount of donated leave an employee may receive from all donors is 520 hours (3 months pay) in one calendar year. A physicians certificate must be submitted to the Human Resources Office describing the medical condition and estimated length of time needed.
- g) An employee donating leave must maintain a combined accrued minimum balance of 360 hours (2 months pay).
- h) A committee consisting of department heads and agency directors will review each request (application) for approval.
- i) An immediate family member donor may exceed the maximum contribution of vacation or sick leave (up to 1040 hours) to another immediate family member provided the request for donated leave has been approved by the committee.

Additional guidelines relative to the shared leave program are available in the Human Resources Office.

Section 23. Family Medical Leave Act and Leave Without Pay: Retention and Continuation of Benefits and Medical Certification

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

FMLA leave may be taken for the following reasons: (1) to care for the employee's child after birth or placement for adoption or foster care; (2) to care for the employee's spouse, child or parent who has a serious health condition; or (3) for a serious health condition that makes the employee unable to perform the employee's job.

A serious health condition is defined as a condition, which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition, which requires continuing care, by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition, which results in a period of incapacity for more than three days would be, considered a serious health condition.

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

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

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

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

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

Resources Director.

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

When an employee is on leave under FMLA, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the County will require the reimbursement of the amount paid for the employee's health insurance premiums during the FMLA leave period.

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

Section 24. Workers' Compensation Leave

When an employee is injured in the course of performing duties related to his job, he may draw benefits due under the North Carolina Workers' Compensation Act.

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave or vacation during the first waiting period. The employee may also elect to supplement workers' compensation payments after they begin, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the County's group insurance plans.

Once an option has been selected by the employee, it cannot be changed during the period covered.

Upon reinstatement, an employee will have his/her salary computed on the basis of his/her last salary plus any merit increment or other salary increase to which he/she would have been entitled during his disability covered by Workers' Compensation. An employee will retain all accumulated sick, vacation, and compensatory time while drawing Workers' Compensation payments in a leave without pay status.

Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible under the Workers' Compensation Act.

Section 25. Military Leave

Permanent employees who are members of an Armed Forces Reserve organization or National Guard will be granted ten (10) workdays per year for military leave with pay. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If the compensation received while on military leave is less than the salary that would have been

earned during this same period as a County employee, the employee shall receive partial compensation equal to the difference in the base salary earned during this same period as a County employee. The effect will be to maintain the employee's salary at the normal level during this period. If such duty is required beyond these ten workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking military leave with pay or with partial 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. Permanent employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act, including members of the National Guard or a reserve unit. Employees who volunteer for additional duty may use vacation, compensatory time or leave without pay. If there is a compensatory balance, it should be used first for nonexempt employees.

Section 26. Reinstatement Following Military Service.

An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

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

Section 27. Civil Leave

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

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 any witness fees or travel allowance awarded by that court for court appearances in connection with official duties.

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

Section 28. Parental School Leave

A County employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of unpaid leave annually to involve him or herself in school

activities of his or her child(ren). This leave is subject to the three following conditions:

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

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

Section 29. Educational Leave with Pay

A leave of absence at full or partial pay during regular working hours may be granted to an employee to take a course or more courses which will better equip the employee to perform assigned duties upon the recommendation of the department head or appointing authority, and with the approval of the County Manager.

An employee granted such extended educational leave with pay shall agree to return to the service of the County upon completion of training and remain in the employ of the County for a period equal to twice the educational leave received, or the employee shall reimburse the County for all compensation received while on educational leave.

An employee on educational leave with full pay shall continue to earn leave credits and other benefits to which County employees are entitled. An employee on educational leave with partial pay shall earn proportional leave credits.

Section 30. Inclement Weather Policy

It is the County's policy to be open and to provide County services whenever possible. This desire to maintain services is equally balanced with the desire to maintain a safe and hazard free workplace for the employee and the public.

In the event of inclement weather the following guidelines will be in effect:

- (a) Announcement of opening or closing of County offices will appear on local radio and television stations by 7:00 am.
- (b) It becomes the employee's responsibility to determine and decide if he/she can safely travel to work. Upon deciding, the employee should contact his/her office and let his/her supervisor know whether or not he/she will come to work.
- (c) Late arrivals may be granted the option of up to one (1) hour administrative leave at the discretion of the County Manager.
- (d) Employees not arriving at all shall charge time to vacation leave.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

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

Section 2. Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the department head (or in the case of a department head to the County Manager) as far in advance as possible. In all instances a minimum notice requirement of two weeks is expected of all resigning personnel. Failure to provide minimum notice shall result in forfeit of payment for accumulated annual leave unless the notice is waived upon recommendation of the department head and approval by the County Manager.

Three consecutive days of absence without contacting the immediate supervisor or department head is considered a voluntary resignation. The supervisor or department head will make a reasonable effort to contact employee before invoking the voluntary resignation without notice provision.

Section 3. Reduction in Force.

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

Budgetary restriction, consolidation or abolishment of functions or organizational units, curtailment of work or activities or other reasons may result in the need to abolish a position or to substantially redesign a position. In so doing, the following factors are among those that may be considered in this determination.

1. Impact on overall program objectives;
2. Possible redistribution of available resources;
3. Organizational structure;
4. Funding sources;
5. Composition of the workforce;
6. Equal employment and affirmative action considerations; or
7. Economy and efficiency

Once factors such as these have been identified, the County Manager, after consultation with the Edgecombe County Commissioners shall identify specific classifications and positions for reallocation, reassignment and/or abolishment.

Section 4. Disability

An employee who cannot perform the required duties because of a physical or mental impairment may be separated for disability. The employee or the County may initiate action. In all cases, such action shall be accompanied by medical evidence certified by a licensed physician acceptable to the department head and County Manager. The County may require an examination, at the County's expense, performed by a physician of the County's choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the county's service for which the employee may be suited.

Section 5. Voluntary Retirement

An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan.

Section 6. Death

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

Section 7. Dismissal Action

The department head in accordance with the provisions and procedures of Article X may dismiss an employee.

Section 8. Reinstatement

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

Section 9. Rehiring

An employee who resigns while in good standing may be rehired with the approval of the appointing authority, and shall be regarded as a new employee, subject to all of the provisions of rules and regulations of this Chapter. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Policy

It is the policy of the County to provide a fair and consistent process for correcting and improving performance problems and to take necessary disciplinary action when performance does not improve or when incidents occur involving unacceptable personal conduct or grossly inefficient job performance. The intent of this process is to promote permanent improvement of performance if possible.

Permanent employees of the County may be warned, given disciplinary suspension without pay, demoted and/ or dismissed for unsatisfactory job performance, grossly inefficient job performance, or personal conduct. The degree and type of action and sequence of actions is contingent upon the causal factors. Action is based upon sound and considered judgment of the appointing authority in accordance with provision of this Article.

The appointing authority must approve all cases of disciplinary suspension, demotion, or dismissal before giving final notice to the employee.

Section 2. Unsatisfactory Job Performance Defined

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

- 1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- 2) Careless, negligent or improper use of County property or equipment;
- 3) Physical or mental incapacity to perform duties;
- 4) Discourteous treatment of the public or other employees;
- 5) Absence without approved leave;
- 6) Repeated improper use of leave privileges;
- 7) Habitual pattern of failure to report for duty at the assigned time and place;
- 8) Failure to complete work within time frames established in work plan or work standards; or
- 9) Failure to meet work standards over a period.

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

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor should meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions should be noted in the employee's file by the supervisor.

The degree and type of action taken shall be based on consideration of the facts of the incident. Two disciplinary actions are required prior to dismissal. The first disciplinary action for an incident

of job performance is a written warning.

Written warnings must state that it is a warning, specify the employee's conduct or performance deficiencies that are the reason(s) for the warning, specific performance or conduct improvements that are required to achieve satisfactory performance, time limits set for improvement, consequence of failing to make the required improvements, and right of appeal. The supervisor will record and send the information to the Human Resources Director to file in the employee's personnel file. The County Manager will be notified of all disciplinary action taken.

If the employee's performance continues to be unsatisfactory, then the supervisor may issue a second warning, suspend without pay, or demote the employee. A pre-disciplinary conference is to be held in accordance with Article IX Section 7 of this manual.

If unsatisfactory performance continues, dismissal action may be taken after at least two disciplinary actions, which may be for unsatisfactory job performance, grossly inefficient performance, or unacceptable personal conduct, have been taken. A pre-dismissal conference is to be held before dismissal in accordance with Article IX Section 7 of this manual. The County Manager will be notified of all disciplinary action taken.

Section 4. Grossly Inefficient Job Performance Defined

Exists when job performance is so unsatisfactory that it:

1. Causes or results in death or serious injury to employee, members of the public or to persons for whom the employees have responsibility;
2. Results in the serious loss of or damage to County property or funds adversely impacting the County and/or the work unit; or
3. Failure to obtain or maintain legally required certificates, licenses, bonds or other credentials.

Section 5. Unacceptable Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the County may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of the government may be or have been violated. Unacceptable personal conduct may be created by intentional or unintentional acts, and may be job related or off duty as long as there is a sufficient connection between the conduct and the employee's job. Examples of detrimental personal conduct include, but are not limited to, the following:

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

- 1) Conduct for which no reasonable person should expect to receive prior warning;
- 2) Fraud or theft;

- 3) Conviction of a felony or the entry of a plea of nolo contendere thereto;
- 4) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 5) Willful misuse or gross negligence in the handling of County funds;
- 6) Willful or wanton damage or destruction to property;
- 7) Willful or wanton acts that endanger the lives and property of others;
- 8) Possession of unauthorized firearms or other lethal weapons on the job;
- 9) Brutality in the performance of duties;
- 10) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- 11) Engaging in incompatible employment or servicing a conflicting interest;
- 12) Request or acceptance of gifts in exchange for favors or influence;
- 13) Engaging in political activity prohibited by this chapter; or
- 14) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations.
- 15) The abuse of clients or persons over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned or in the custody of the County

Section 6. Disciplinary Action for Grossly Inefficient Job Performance and Unacceptable Personal Conduct

When an incident of grossly inefficient job performance or unacceptable personal conduct occurs, the department head must consider the severity of the incident and may issue a warning, suspend without pay, demote or dismiss. No warning or other disciplinary action is required prior to dismissal. A pre-disciplinary conference shall be conducted with the employee prior to disciplinary action. Advance notice of the pre-disciplinary conference should be given as much as practical under the circumstances. Refer to the Pre-Disciplinary Conference and Investigatory Suspension provisions.

An employee may be suspended immediately by the department head for causes related to gross inefficiency of performance or personal conduct in order to 1) avoid undue disruption of work, 2) to protect the safety of persons or property, or 3) for other serious reasons. When a department head takes immediate suspension action with an employee, the employee shall be required to

leave County property at once and remain away until further notice. The department head shall notify the County Manager immediately. A written summary giving the circumstances and facts leading to the immediate suspension, and setting a conference time and location shall be prepared; one copy shall be delivered to the employee by certified mail, one copy shall be filed in the employee's personnel file, and one copy shall be filed with the County Manager

Section 7. Pre-Disciplinary Conference.

Before any disciplinary action is taken, whether for grossly inefficient job performance, unacceptable personal conduct, or unacceptable performance, the department head shall provide the employee with a written advance notice of the proposed disciplinary action, which will include the proposed disciplinary action being considered, it's recommended effective date, the reason(s) for the action in numerical order along with appeal rights and a date and time for a pre-disciplinary conference. If demotion is the disciplinary action being considered the notice will include the change that will occur in the employee's salary rate and/or pay grade. A copy of this statement is to be filed with the County Human Resources office.

At the pre-disciplinary conference, the employee may present any response to the proposed disciplinary action to the department head. The department head will consider the employee's response, if any, to the proposed disciplinary action, and will, within three (3) working days after the pre-disciplinary conference, notify the employee in writing of the final decision to take disciplinary action.

Pre-Dismissal Conference

If the conference is for purpose of dismissal, the department head shall give the employee a statement of the specific reasons for the dismissal, and the employee's appeal rights under the County's grievance procedure. The purpose of the pre-disciplinary conference involving dismissal is to review the recommendation, consider information put forth by the employee in order to insure that a dismissal decision is sound and not based on misinformation. A second management representative shall be present at the conference; and at the discretion of management security personnel may be present when the need for security exists. The department head will review and consider the employee's response and reach a decision on the proposed dismissal action.

The effective date of the dismissal shall be no earlier than the letter of dismissal nor more than 14 calendar days after the notice of dismissal.

Communication

The notice of final disciplinary action shall contain a statement of the specific reason(s) for the action, the effective date of the action, and the employee's appeal rights. The County Manager has the final approval on dismissal action.

The final letter of dismissal will be issued to the employee in person or by certified, return receipt, mail.

Section 8. Disciplinary Suspension

An employee may be suspended without pay as a disciplinary action for job performance, grossly inefficient performance or personal conduct reasons. In incidents involving job performance a warning is required before the employee can be suspended.

A disciplinary suspension without pay must be for at least one full work week and not more than two work weeks for salaried employees exempt from the Fair Labor Standards Act. For all other employees suspension without pay shall be for a minimum of one day, but not more than two workweeks.

Section 9. Investigatory Suspension With Pay

Investigatory suspension with pay may be used to provide time to investigate, establish facts, and reach a decision concerning deficiencies that would constitute just cause. Investigatory suspension with pay may be appropriately used to provide time to schedule and hold a pre-dismissal conference. In addition, the County may elect to use an investigatory suspension with pay in order to avoid undue disruption of work or to protect the safety of persons or property. Written notice of investigatory placement with pay should be provided the employee within 48 hours of being placed in suspension status. The letter shall explain what the action is, potential length and instructions to remain available during business hours in case they need to be contacted. An investigatory suspension with pay shall not exceed thirty (30) calendar days. If no action has been taken by management by the end of thirty (30) calendar days, one of the following must occur: reinstatement of the employee; or appropriate disciplinary action based on the results of the investigation.

Investigatory suspension of an employee shall not be used 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.

An employee who has been suspended for investigatory reasons may be reinstated with up to three- (3) day's pay deducted from his or her salary. The decision to deduct pay is to be based upon management's determination of the degree to which the employee was responsible for or contributed to the reasons for suspension. This period constitutes a disciplinary suspension without pay and must be effected in accordance with Sections 6 and 7 of this Article.

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

If the employee is dismissed, the final letter of dismissal shall contain a statement of the specific reasons for the dismissal, effective date of appeal

Section 10. Dismissal Relating to Credentials

State statutes and local rules may require specific licensure, registration or certification as defined on the recruitment requirements component of the specification (job description) for the class of

work. Employees in such classifications are responsible for obtaining and maintaining current, valid credentials as required by law, rule or ordinance. Failure to obtain or maintain the required credentials constitutes a basis for immediate dismissal without prior warning, in accordance with appropriate provisions of this Article. Falsification of employment credentials or other documentation in connection with securing employment shall also result in dismissal of the employee.

In cases of an employee providing false or misleading information, but not involving legally required licensure, registration or certification, department heads shall take disciplinary action deem appropriate.

Section 11 . Employee Appeal

An employee wishing to appeal a demotion, suspension without pay or dismissal may present the matter using the grievance procedure prescribed in Article X of this policy.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

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

In order to create a work environment that is professionally satisfying to its employees and operates in an efficient and effective manner, it is important to have a process to resolve differences of opinion and perception which may arise within the performance of work.

Section 2. Grievance Defined

A grievance is a claim or complaint by an employee based upon an event or condition, which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

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

Section 3. Purposes of the Grievance Procedure

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

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without fear of reprisal through open expression and communication;
- 2) Encouraging employees to express themselves about the conditions of work that affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures that affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures; and
- 5) Increasing the sense of responsibility exercised by supervisors and improving their effectiveness in dealing with their employees.
- 6) Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be

resolved at the lowest level possible of the chain of command; and

- 7) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the County or its leaders, thus freeing up employee motivation, productivity, and creativity.

Section 4. Grievance Procedure

When an employee or group of employees has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved by the Appointing Authority before the decision becomes effective.

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the Human Resources Office as a resource to help resolve the grievance.

Step 1. If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the supervisor in writing. The grievance must be presented within ten (10) working days of the event or within ten (10) working days of learning of the event or condition. The supervisor shall respond to the grievance as soon as possible, but within ten (10) working days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the County in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

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

Step 2. If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal in writing, to the agency director or department head within five working days of receipt of the supervisor's decision. The employee will cite specific reasons for the appeal. The department head shall respond to the appeal, stating the determination of decision within five working days after receipt of the appeal.

Step 3. If the grievance is not resolved to the satisfaction of the employee by the department head or agency director, the employee may elect to appeal to the County Manager within five working days after receipt of the response from Step 2. The appeal must be submitted in writing. On appeals to the County Manager, the Manager shall respond to the appeal and will make a decision within ten working days. The Manager may meet with the employee to discuss the grievance fully before making a decision. The County Manager's decision is final. However, the

County Manager should inform the County Board of Commissioners of any possible legal actions. Any appeal of this decision must be made through the North Carolina Court System where applicable.

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

Section 5. Role of the Human Resources Director

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

1. To advise parties (including employee, supervisors, and County Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
2. To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.
3. To give notices to parties concerning timetables of the process, etc.;
4. To assist employees and supervisors in drafting statements; and
5. To facilitate the resolution of conflicts in the procedures of the grievance at any step in the process; and

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

Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination or Unlawful Workplace Harassment Based on Discrimination

When an employee, former employee, or applicant believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, or disability) the employee has the right to appeal directly to an Appeals Board. The Human Resources Director will assist the person by providing the proper name and address of the Board chairperson. A permanent County employee has the right of appeal using the grievance procedure outlined in this Article and is encouraged to use the grievance procedure, or may appeal directly to the Appeals Board. An employee, former employee, or applicant must appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action.

Section 7. Appeals Board for Appeals Based on Discrimination

An Appeals Board shall be appointed by the Board of County Commissioners and shall be

responsible to make the decision in alleged discrimination appeals in accordance with GS 126 and State Rule 11.2404. The Appeals Board shall consist of five persons appointed by the Board of County Commissioners, and the make-up shall include at least one member chosen to represent the employees of the County. Appointments shall exclude the County Attorney, incumbent County Commissioners or their family members or relatives. The County Manager may serve as a voting member of the Appeals Board, but shall not serve as chairperson.

The Appeals Board shall have access in its meetings and deliberations the counsel of a private attorney, not associated or engaged professionally in any transaction of the County that would create a conflict of interest.

Procedure: Before the Board's consideration of a case, a hearing's examiner appointed by the County shall conduct an evidentiary hearing. The hearing examiner shall submit a written disclosure of findings and facts to the Appeals Board, along with his/her recommendations. The hearing examiner has the power to subpoena witnesses, principals, or other parties relevant to a fair and vigorous pursuit of a recommendation.

Proceedings of the Appeals Board shall be recorded. At its discretion, the Appeals Board may furnish a transcript of the hearing upon request.

The evidentiary hearings process should be completed as soon as possible, but no later than two months after the date of filing, and the Appeals Board shall consider the case and render a decision no later than thirty working days after receipt of the hearing officer's report of findings and facts and recommendation.

Decisions of the Appeals Board shall be issued in writing and maintained in the County Human Resources Office.

Section 8. Back Pay Awards

Back pay and benefits may be awarded to reinstated employees in suspension without pay, demotion, dismissal, and discrimination cases.

ARTICLE XI. PERSONNEL RECORDS AND REPORTS

Section 1. Personnel Records Maintenance

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Human Resources Director. The County shall maintain in personnel records only information that is relevant to accomplishing personnel administration.

Section 2. Public Information and Access

In compliance with GS 153A-98, the following information with respect to each County employee is maintained and is a matter of public record: name; age; date of original employment or appointment to the service; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the County may adopt.

The following provisions shall govern access to such information:

- a) All disclosures of records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: name of employee; information disclosed; and dates information requested. This information must be retained for a period of years.
- b) Upon request, records of disclosure shall be made available to the employee to whom it pertains.
- c) An individual examining a personnel record may copy the information; any available photocopying facilities may be provided and the cost may be assessed to the individual.
- d) 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.

Section 3. Access to Confidential Records

All information contained in a County employee's personnel file, other than the information of this Article specified above will be maintained as confidential in accordance with GS 153A-98 and shall be open to inspection only in the following instances:

- 1) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except 1) letters of reference solicited prior to employment, and 2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.

- 3) A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- 5) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the County Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability.

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

- 6) Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- 7) A record shall be made of each disclosure and placed in the employee's file (except of disclosures to the employee and the supervisor).
- 8) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- 9) The County Manager, with the concurrence of the County Board, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a County employee, and the reasons for that action. Before releasing that information, the County Manager shall determine that the release is essential to maintaining the level and quality of County services. The written determination shall be retained in the County Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

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

Section 4. Personnel Actions

The Human Resources Director, with the approval of the County Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the

proper administration of the personnel system. The official personnel files are those which are maintained by the Human Resources Office. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents. Any documents not contained nor maintained in these files as designated by the Human Resources Director is not an official part of the personnel file.

Section 5. Records of Former Employees

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

Section 6. Remedies of Employees Objecting to Material in File

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

Section 7. Penalties for Permitting Access to Confidential Records

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

Section 8. Examining and/or Copying Confidential Material without Authorization

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

Section 9. Destruction of Records Regulated

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

ARTICLE XII. IMPLEMENTATION OF POLICIES

Section 1. Conflicting Policies Repealed

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

Section 2. Separability

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

Section 3. Effective Date

These policies shall become effective on August 5, 2002 as approved by the County Board of Commissioners.