

ALEXANDER COUNTY

PERSONNEL POLICY

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**ALEXANDER COUNTY PERSONNEL POLICY
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ARTICLE I ORGANIZATION OF THE PERSONNEL SYSTEM

SECTION 1. PURPOSE OF THE POLICY

The purpose of this policy is to establish a fair and uniform system of personnel administration for all employees of the County 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. This policy is established under the authority of G.S. 153A, Article 5, and G.S. 126 of the General Statutes of North Carolina.

This policy can be changed at any time by action of the County Board of Commissioners.

SECTION 2. 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, except as provided in this section. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws, which have been violated.

Elected Commissioners, the County Manager, and the County Attorney are exempt from all provisions of this policy.

The following employees are covered only by the listed articles and sections:

- A) The Supervisor of Elections shall be subject to all articles except:
 - Article IV Recruitment and Selection
 - Article V Conditions of Employment
 - Article VIII Separation, Disciplinary Action and Reinstatement
 - Article XI Grievance Procedure

- B) Employees of the Sheriff and the Register of Deeds shall be subject to all articles except:
 - Article VIII Separation, Disciplinary Action and Reinstatement

- C) Temporary employees shall be subject to all articles except:
 - Articles VI Holidays and Leave
 - Article VII Employee Benefits

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 employee or applicant for County employment shall be deprived of employment opportunities or otherwise be adversely affected as an employee because of an individual's race, color, religion, sex, national origin, political affiliation, disability or age.

SECTION 4. RESPONSIBILITIES OF THE COUNTY BOARD OF COMMISSIONERS

The Board of County Commissioners shall establish personnel policies and rules, including the classification and pay plan, benefits, and shall make and confirm appointments required by law.

SECTION 5. RESPONSIBILITIES OF THE COUNTY MANAGER

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

The County Manager may delegate human resources functions, as appropriate. The County Manager or designee shall maintain the position classification plan, the pay plan, and perform such other duties in connection with a 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 a 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 officer.

SECTION 6. DEPARTMENTAL RULES AND REGULATIONS

Due to specific operational requirements of various County departments, each department is authorized to establish supplemental rules and regulations applicable only to the personnel of the respective 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 these provisions but shall be considered as a supplement to this policy.

SECTION 7. DEFINITIONS

For the purposes of this policy, these words and phrases shall have the following meanings:

Adverse Action. An involuntary demotion, involuntary reduction in pay, involuntary transfer, suspension without pay, layoff or dismissal.

Anniversary Date. The employee's original date of hire with the County service in a permanent employment position.

Appointing Authority. County board or official with the legal authority to make hiring decisions.

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

County or county. Alexander County.

Cost-of-Living Increase. An adjustment made by the Board of County Commissioners to all pay ranges, when applicable.

Demotion. The reassignment of an employee to a position or classification having a lower pay range than the position from which the reassignment is made.

Full-time Employee. An employee, appointed to an established position, who is regularly scheduled to work forty (40) hours or more per work week, is continuously employed at least 12 months, and is designated by the Board of Commissioners as full-time.

Grievance. An appeal from disciplinary action or discrimination.

Hiring Rate. The salary paid an employee when hired into County service, normally step 1.0 of the pay range, unless employee is designated a trainee, in which case, their beginning rate will be step TG.

Maximum Pay Rate. The maximum pay authorized by the pay plan for an employee within an assigned pay range.

Part-time Employee. An employee appointed to an established position, for which the duties are regularly scheduled for an average of less than 30 hours per work week, continuous employment of 12 months, who is paid on an hourly basis, and is designated by the Board of Commissioners as a part-time employee.

Part-time Employee (Eligible). An employee appointed to an established position, for which the duties are regularly scheduled for an average of at least 30 hours but less than 40 hours per work week, continuous employment of 12 months, who is paid on an hourly basis and is designated by the Board of Commissioners as an eligible part-time employee. An eligible part-time employee is eligible for county benefits on a pro-rated schedule.

Pay Grade. A range of pay rates assigned to all classes and positions which are sufficiently comparable to warrant one range of pay rates.

Pay Plan. A schedule of pay ranges arranged by sequential rates including minimum, intermediate, and maximum steps for each class assigned to a pay range.

Pay Plan Revision. The uniform raising or lowering of the pay ranges of every grade within the pay plan.

Pay Range. The minimum and maximum pay levels for a given classification for personnel pay action purposes.

Pay Range Revision. The raising or lowering of the pay range for one or more specific classes of positions within the classification plan.

Regular Employee. An employee who has completed the required probationary period and has been approved for regular status by the department head (with approval, where applicable, by the County Manager).

Regular Full-time Position. A position approved by the Board of County Commissioners in which the duties and responsibilities are required to be performed on a continuous basis, normally requiring full-time employment of an individual.

Regular Part-time Position. A position approved by the Board of County Commissioners in which the duties and responsibilities can be performed in less than a regular work day and/or week.

Position. A group of current duties and responsibilities requiring the full or part-time employment of one person.

Position Classification Plan. An approved plan by the Board of Commissioners assigning positions to the appropriate pay grade.

Probationary Employee. An employee in a full or part time regular position who has not yet successfully completed the designated probationary period.

Promotion. The reassignment of an employee to an existing position or classification in the County service having a higher pay range than the position or classification from which the reassignment is made.

Reclassification. The reassignment of an existing position from one class to another based on changes in job content.

Salary. The amount of pay for a given position and pay grade. The word “salary” means “pay” and is not a guaranteed pay unless an employee is “salaried” and is classified as exempt under the Fair Labor Standards Act.

Temporary Employee. An individual appointed to serve in a position for a definite duration, but not to exceed twelve (12) months.

Temporary Position. A position for which the duties and responsibilities are required to be met for a specific short period of time, normally not to exceed twelve (12) months and which may or may not require attendance by a person for a full day and/or workweek.

Trainee. The status when an applicant is hired (or employee promoted) who does not meet the minimum requirements of the class to which he/she is being appointed. All requirements for the trainee appointment must be satisfied prior to attaining regular status. During the duration of a trainee appointment, the employee is on probationary status.

Transfer. The reassignment of an employee from one position or department to another within the same employment status.

ARTICLE II THE 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 defined 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 similar in difficulty and responsibility which call for the same general qualifications and 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 or job descriptions 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. ADOPTION

The position classification plan, as approved by the Board of County Commissioners, is hereby adopted as the official position classification plan for the County.

SECTION 5. ALLOCATION OF POSITIONS

The County Manager shall allocate each position covered by the classification plan to its appropriate class in the plan.

SECTION 6. ADMINISTRATION OF THE POSITION CLASSIFICATION PLAN

The County Manager or designee shall be responsible for the administration and maintenance of the position classification plan so it accurately reflects the duties performed by employees in the classes to which their positions are allocated. Department Heads shall be responsible for bringing to the attention of the County Manager (1) the need for new positions and (2) material changes in the nature of duties, responsibilities, or working conditions affecting the classification of a position.

New positions shall be established upon recommendation of the County Manager with the approval of the Board of County Commissioners. The County Manager may (1) allocate the new position to the appropriate class within the existing classification plan, or (2) recommend that the Board of Commissioners amend the position classification plan to establish a new class to which the new position may be allocated.

When the County Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the County Manager shall (1) direct that the existing class specification be revised, (2) reallocate the position to the appropriate class within the existing classification plan, or (3) recommend that the Board of County Commissioners amend the position classification plan to establish a new class to which the position may be allocated.

Classes of positions shall be added to and deleted from the position classification plan by the Board of County Commissioners based on the recommendation of the County Manager.

SECTION 7. REQUEST FOR RECLASSIFICATION

Any employee who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request to the County Manager through the supervisor and department head. Upon receipt of such request, the County Manager shall determine the merit of the reclassification and make necessary changes to maintain a fair and accurate classification plan.

ARTICLE III 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 forty-three salary grades with fifteen steps with approximately 2.5% between steps. A grade is assigned to each job classification approved by the Board of County Commissioners. Salary increases within the pay range shall be based on performance criteria established by the County Manager and approved by the Board of County Commissioners.

SECTION 2. ADMINISTRATION AND MAINTENANCE

The County Manager shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate 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. Effective November 1, 2014, all employees shall be required to use direct deposit for all payroll disbursements.

SECTION 3. SALARIES

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, when considered in relation to each other, to general rates of pay for similar employment in the private and public sector in the area, to changes in the cost of living, to 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 pay ranges and shall recommend to the Board of County Commissioners such changes in pay ranges as are warranted. The County Manager may approve in-range adjustments to employee salaries when necessary to accommodate inequities, special performance or achievements, or other issues.

The pay plan shall be administered in a fair and systematic manner in accordance with work performed. The pay structure shall be externally competitive, shall maintain proper internal relationships among all positions based on relative duties and responsibilities, and shall recognize performance as the basis for pay increases within the established pay range.

SECTION 4. HIRING RATE/STARTING SALARY

Individuals will be hired at Step 1 of the assigned pay grade for the classification in which they are assigned. However, on the recommendation of the department head and with approval of the County Manager, employee salaries may be approved above Step 1, when deemed necessary to the best interests of the County. An adjustment in the hiring salary shall be based on such factors as exceptional education and experience qualifications of the applicant, a shortage of qualified applicants available at the hiring rate, or the refusal of qualified applicants to accept employment at the minimum Step 1. 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 5. PROBATIONARY PAY INCREASE

After successful completion of the probationary period, employees initially hired at Step 1 will automatically be promoted to Step 2 of the salary range for their grade. Employees on probation are not eligible for pay increases until completion of the probation period except for across-the-board adjustments to each step and grade.

At the County Manager's discretion, probationary pay increases may be frozen should the need arise due to budget restraints.

SECTION 6. PERFORMANCE PAY INCREASES

Upward movement within the established salary range for a position is based upon specific performance. Procedures for determining performance levels and performance pay increases shall be established in procedures approved by the County Manager.

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 equal to the percentage of annual gross 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. PAYMENT AT A LISTED RATE.

Employees covered by the pay plan shall be paid at a listed rate within the pay range established for the respective job class except for employees in a trainee status.

When an employee attains the maximum rate of a pay range for his or her present position, no further pay increase will be received unless (1) the position is reclassified, (2) the employee is promoted to another position with a higher pay range, (3) the pay range for the present position is increased, or (4) is eligible for a performance bonus.

SECTION 9. TRAINEE SALARIES

Applicants considered for employment or County employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the County Manager, to a "trainee" status. All County employees shall be designated "trainees" based upon recommendations of the department head with the approval of the County Manager. An employee in a trainee status shall continue to receive reduced pay until the appointing department head and the County Manager determine that the trainee is qualified to assume the full responsibilities of the position.

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. An assignment three grades below is appropriate for more than six months but less than two years.

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 Step 1 established for the job class.

SECTION 10. PAY RATES IN PROMOTION, DEMOTION, TRANSFER, AND RECLASSIFICATION

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

Promotions. The employee's pay shall be increased, if it is below the new minimum, to the minimum rate of the pay range assigned to the class to which he/she is promoted. If an employee's current pay is already above the new minimum pay rate, his or her pay may be adjusted one step upward, provided that the adjusted pay does not exceed the maximum of the assigned pay range. The employee shall serve a new probationary period with the promotion, however there will be no additional pay increase at the completion of the new probationary period.

Demotion. If an employee is demoted as a result of a reclassification, and the employee's current pay falls above the maximum of the range for the lower class, the employee's pay will remain the same until general schedule adjustments or range revisions bring it back within the lower range. If an employee is demoted for cause, the employee's pay will be reduced to any step in the lower pay range, as long as the reduced pay does not fall below the minimum pay rate of that range.

Transfer. When a transfer occurs from a position in one class to a position in another class assigned to the same pay range, the employee shall continue to receive the same pay.

Reclassification. The employee's position is reclassified to a class having a higher pay range; the employee's pay shall be increased to the minimum step of the new pay range. If the employee's current pay is already above the minimum pay rate, his or her pay may be adjusted one step upward or left unchanged, contingent on the availability of funds, provided that the adjusted pay does not exceed the maximum of the assigned pay range.

SECTION 11. PAY RATES IN SALARY RANGE REVISIONS

If the Board of County Commissioners approve a change in salary range for a class of positions, the pay rate of employees whose position are allocated to that class shall be affected as follows:

A) When a class of positions is assigned to a higher pay range, employees in the class may receive a one-step pay increase or an increase to the minimum step of the new range, whichever is higher.

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

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.

The County abides by all applicable sections of the Fair Labor Standards Act 29 CFR Part 541 Revisions effective July 2008. The Human Resources Director, under the direction of the County Manager, shall determine which jobs are "Non-Exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions. The County will properly record all applicable overtime accrued for each covered employee. This overtime policy is applicable only to employees of Alexander County who are non-exempt under the Fair Labor Standards Act.

Non-Exempt employees are expected to work during all assigned periods, exclusive of breaks or mealtimes. Employees are not to perform work at any time they are not scheduled to work, unless they receive prior approval from their immediate supervisor, except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or which requires immediate attention of the employee. Employees who work excess hours due to an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work.

Non-Exempt Employees

Non-exempt employees will be paid at a straight time rate for hours worked 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 after 171 hours based on a 28-day time period.

In determining eligibility for overtime or compensatory time in a work period, only hours actually worked shall be considered; in no event will annual leave, sick leave, child involvement leave, or adverse conditions leave or holidays be included in the computation of hours worked for FLSA purposes, or for overtime or compensatory time computations.

Earned overtime hours will be compensated at time and a half as required by Federal Wage and Hour Law. It is the policy of the County, in agreement with its employees that non-exempt employees who work in excess of the standard 40-hour week receive compensatory time off at a rate of one and one-half hours for each hour of overtime worked. When an employee has worked less than a 40-hour week due to holidays, vacation, etc., the employee will be granted compensatory time on an hour-for-hour basis for time worked in addition to the standard remaining workweek.

When it is in the best interest of the County, and has been approved by the County Manager, employees may be paid at a rate of one and one-half their regular hourly rate for overtime worked in lieu of compensatory time. Certain positions designated with a fluctuating work week schedule will be paid at overtime rates pursuant to 778.114 of the U.S. Code of Federal Regulations.

Non-exempt employees who work in public safety activities, emergency response activities, or seasonal activities, may accrue no more than 480 hours of compensatory time for overtime hours worked after April 15, 1986. Other non-exempt employees may accrue up to 240 hours of compensatory time. Overtime must be approved in advance by the department head. Compensatory time over the maximums of 240 and 480 will be paid as overtime at the employee's current hourly rate. Upon separation, accrued compensatory time will be paid at a rate equal to the employee's average hourly rate over the previous three years or at the current hourly rate, whichever is higher.

Employees wishing to use accrued compensatory time must make a written request to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of the County. Accrued compensatory time must be used before annual leave, sick leave, or any other leave options will be granted. Compensatory time shall run concurrent with approved family medical leave (FMLA) needs.

Exempt Employees

Employees exempt from overtime compensation are Executive, Administrative, and Professional employees as defined by the Fair Labor Standards Act. Examples of exempt employees are: elected officials, County Manager, qualified department heads, executive or administrative assistants, data processing analysts, registered nurses, or other learned professionals. Exempt employees must meet the FLSA short or long tests to qualify as exempt employees.

Employees in positions determined to be "exempt" will not receive pay for hours worked in excess of their normal work periods. These employees may be granted "Bonus" leave on an hour for hour basis by their supervisor where the convenience of the department allows and in accordance with procedures established by the County Manager. Bonus time may be accrued by exempt personnel for all hours over 40 hours per week up to a maximum of 40 hours. During times that exempt personnel are required to work unusual and extraordinary hours, the County Manager may grant additional bonus hours. Bonus time accrued by exempt personnel is not guaranteed to be taken and ends without compensation upon separation from the County.

Exempt employees may not work from home versus reporting for duty on a regularly scheduled work day unless an emergency or unexpected situation arises. The County Manager must grant prior approval. Hours worked outside of regular business hours, above and beyond the regularly scheduled shift, are at the discretion of the supervisor. Falsifying information shall result in disciplinary action up to and including termination.

SECTION 13. LONGEVITY PAY

Full-time and eligible part-time employees are compensated for continuous years of service with Alexander County by payment of a longevity supplement after five years starting at 1.5% of his/her annual gross pay on his/her anniversary date and increasing a tenth of a percentage for each additional year of service. The years of service and percentage of salary received progress to the maximum of 4% after 30 years of service. (Example: 6 years = 1.6%, 7 years =1.7%, 8 years =1.8%, etc.) An employee who leaves County service for any reason will lose their accumulated longevity and must begin over if they return to County employment.

SECTION 14. CALL BACK AND STAND BY PAY

The County provides a continuous twenty-four hour a day, seven day a week service to the citizens. Therefore, it is necessary for certain employees to respond to any reasonable requests 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 action up to and including dismissal.

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

Stand-by. Non-exempt employees pay for stand-by time may be included in their regularly bi-weekly rate of pay. If employee reports for duty while on stand-by time, compensation pay or comp time will begin being paid for any hours physically worked over (40) forty hours in a given workweek. Overtime pay starts beginning the time leaving destination until returning to said destination.

Upon approval from the County Manager, the Health Department, Department of Social Services, and Sheriff's Office may adjust the payment plan for stand-by pay to suit the needs of the department.

SECTION 15. ACCEPTABLE PAYROLL DEDUCTIONS BY FLSA REGULATIONS

Federal and state income taxes, Social Security tax, garnishments, and retirement contributions shall be deducted as authorized by law and the Board of County Commissioners. The County Manager must approve any other payroll deductions.

The salaries of employees exempt under the Fair Labor Standards Act, 29 CFR Part 41, may be reduced or be subject to deduction for the following conditions ONLY:

- A) For a day or more full days for absence for personal reasons other than sickness or disability and the employee has no leave to cover the absence.

- B) For sickness or disability (including work place injury) if the employee has not qualified for leave benefit, has not earned sufficient leave to cover the absence, or has exhausted all leave and has no earned leave remaining to cover the absence. If the employee has exhausted all leave benefit that would cover an FMLA absence, the employee's salary may be reduced in hourly increments while on FMLA leave.
- C) Deductions for penalties imposed for violations of safety rules of major significance, including those relating to the prevention of serious danger in our workplace or to other employees.
- D) Deductions resulting from suspensions without pay for serious violations of our workplace misconduct rules. *See the separate policy: Suspensions without Pay for Serious Workplace Misconduct, Article III Sections 1 through 19.*
- E) In the initial or final work week of employment, deductions may be made for days of the workweek not worked. For example, in the first or last workweek of work, if the employee works two of the five days, the employee will receive 2/5 (two fifths) of their weekly salary. In the final workweek the employee may use applicable accrued leave to cover the portion of the week not worked, but only as provided elsewhere in our policies.
- F) Back pay on premiums owed to the County for employee benefits may be payroll deducted using a payment plan that will not place the employee's earnings to be below minimum wage. An acknowledgement form must be signed by the employee and Finance Director prior to deductions beginning.

SECTION 16. AUTHORIZED SALARY REDUCTIONS IN ACCORDANCE WITH FLSA

Pursuant to Federal Regulations 29 Part 541.710, salaries of exempt salaried employees may be reduced under the following conditions in that all agency employees are employed under the rules of public accountability:

- A) For absences of less than a day for personal reasons, illness, or injury when accrued leave is not used because:
 1. Permission for the absence/leave has not been sought or it has been requested by the employee and was denied;
 2. Accrued leave has been exhausted;
 3. The employee requests or chooses to use leave without pay
- B) Deductions for a budget-required layoff or short-time implemented by agency management or the governing board/body. During such week, and only in such week, the Part 541 exemption is lost and the employee is entitled to overtime compensation in the week of the layoff or short-time if the employee works more than 40 hours (or other standard is employed in law enforcement or firefighting) despite being in furlough status.

SECTION 17. UNLAWFUL OR IMPROPER DEDUCTIONS FROM PAY

Deductions from salaries of employees exempt under the Fair Labor Standards Act, 29 CFR Part 541, are NOT permitted by the regulation for the following conditions:

- A) On an hourly basis except for unpaid FMLA leave and as provided in the special rules above.

- B) When the office, facility, building or department is officially closed due to inclement weather such as snow or ice. Exempt salaried workers cannot be required to use earned leave for such closing unless it is announced that the office, facility, building, or department remains open for salaried exempt employees and they are given the option of reporting to work or using leave.
- C) For penalties or rules violations such as performance issues, attendance issues, minor safety rules, cash shortages, losses, rules of evidence violations, or damages to equipment or property, including insurance deductibles when damage has occurred.

SECTION 18. COMPLAINT PROCEDURES FOR INCORRECT PAY DEDUCTIONS

Every effort is made to ensure compensation and pay checks are properly computed and calculated. It is against the County’s policy for employee’s wages to have improper or unlawful deductions. Employees who believe their pay is incorrect or an improper or unlawful deduction was made to their wages or salary, contact the Human Resources Department before the next pay period entry date. Employees can report improper or unlawful deductions from their wages without fear of discrimination or reprisal.

Upon receiving notification of an improper or unlawful deduction from pay, the Human Resources Department in consultation with the Finance Department will investigate the matter and issue a finding before the next pay period entry date.

SECTION 19. SUSPENSIONS WITHOUT PAY FOR SERIOUS WORKPLACE MISCONDUCT

All employees, hourly, salaried exempt and nonexempt, may be suspended for one or more whole days without pay for violations of the following workplace conduct rules, committed on or off-site. The list is not exhaustive and workplace misconduct that is serious, disruptive and harmful and, in the view of management, is of a similar level as the examples provided below, will result in disciplinary suspensions without pay for one or more whole days.

- A) Unlawful harassment, including sexual, racial, disability, religious, national origin, or other protected characteristic or harassment for exercising a protected right.
- B) Threatening, enticing, encouraging, or committing workplace violence, including physical assault physical altercation, physical intimidation, including making another fear physical harm to self or property.
- C) Theft, sabotage, or vandalism of property, including intellectual property belonging to the employer or other employee.
- D) Violation of the drug and alcohol policy.
- E) Violations of state or federal laws, other than minor traffic violations.
- F) Grossly inefficient job performance and unacceptable personal conduct as defined in Article X, Sections 1- 10.

ARTICLE IV RECRUITMENT AND SELECTION

SECTION 1. STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the County to establish and maintain a systematic, consistent recruitment program to foster and promote equal employment opportunities and to identify and attract the most qualified applicants for employment. This policy is to be achieved by announcing all position vacancies, evaluating all applicants on the same criteria and by applying testing methods through the Local Job Service Office (Employment Security Commission). Selection decisions shall be made 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, sex, religion, color, national origin, age or disability.

SECTION 2. RECRUITMENT

The County Manager is responsible for an active recruitment program to meet current and projected needs, using procedures to assure equal employment opportunities based on job-related requirements. With approval from the Board of Commissioners, the County Manager may offer prospective employees incentive packages in relation to earned leave rates for new employees, recognition of service credit with other county or state government units, and other incentives which do not result in an undue financial strain upon the County.

SECTION 3. POSITION VACANCY ANNOUNCEMENTS

When position vacancies occur, the County Manager shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be published in local and/or other news media as necessary to inform the community and create a quality and diverse pool of applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within County 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.

Position vacancy announcements shall be posted for a minimum of seven (7) working days at the local office of the Employment Security Commission. Optimal recruiting publicity shall be carried out through the media, as appropriate. Position vacancy announcements shall contain, at minimum, (1) the title, grade, and location of the position, (2) the closing date of the announcement, (3) a summary of the duties of the position, (4) a summary of the basic qualifications requirements, (5) the procedures for making application, and (6) a statement containing assurances of equal employment opportunity.

In some situations because of emergency conditions, high turnover, etc., the County may hire or promote without advertising jobs, upon approval of the County Manager.

SECTION 4. APPLICATION FOR EMPLOYMENT

Application Form. The North Carolina State application or the Alexander County application shall be the standard application accepted for any and all position listings. Applications may be submitted to the County.

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.

Application Reserve File. Applications shall be kept in an inactive reserve file for a period of two years, in accordance with the North Carolina Records and Retention Schedule.

SECTION 5. QUALIFICATION STANDARDS

All applicants considered for employment or promotion shall meet the qualification standards established by the class specifications relating to the position to which the appointment is being made. All appointments shall be made on the basis of qualifications.

Consideration may be given to “Trainee” appointments when there is an absence of qualified applicants from which to make a selection. The deficiencies may be eliminated through orientation and on-the-job training. The hiree must be designated a trainee by the County Manager.

SECTION 6. SELECTION

Administration shall develop, use, and document, on a consistent, routine basis, a selection process which best suits the County's needs in filling positions within each department.

Department heads shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection methods and devices administered by the County shall be valid measures of job performance.

SECTION 7. APPOINTMENTS

Before any commitment is made to an applicant either internal or external, the Department Head will meet with the County Manager to discuss the appointment. The original application for employment, test score sheets (when applicable), and any additional supporting documents, including the Personnel Action Form shall be reviewed by the County Manager.

If the duties of the position include operation of County-owned or County-insured vehicles, Human Resources will conduct a review of the driving record of the person to be hired, after an offer of employment is extended. Said record will become part of the personnel file.

The Sheriff and Register of Deeds shall have authority over appointments in their respective departments, with the County Manager determining the class and salary of new employees. The Board of Commissioners must approve the appointment by the Sheriff or Register of Deeds of a

relative by blood or marriage of nearer kinship than first cousin, or of a person who has been convicted of a crime involving moral turpitude.

SECTION 8. PROBATIONARY PERIOD OF EMPLOYMENT

An employee appointed to a permanent position shall serve a probationary period of no less than six (6) months and no more than nine (9) months, except that sworn law enforcement personnel shall serve a twelve-month probationary period. Any employee serving a probationary period following the initial appointment may be dismissed, without right of appeal, for job deficiencies or inappropriate personal conduct at any time during the probationary period. Employees in “trainee” appointments will have specific time frames established for their probationary period.

During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Before the end of the probationary period, the supervisor shall determine whether or not the employee is performing satisfactory work and meeting job expectations. The employee's progress (accomplishments, strengths, and 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 is fifteen months and for other County employees is twelve months.

A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed.

Following successful completion of the probationary period, the employee may only be dismissed as provided in Article X.

SECTION 9. PROMOTION

It is the County's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee, who is no longer in probationary status, is applying for a vacant position is the best suited of all applicants, the 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 shall apply for promotions using the same application process as external candidates.

SECTION 10. DEMOTION

An employee whose work is unsatisfactory may be demoted, provided the employee shows promise of becoming a satisfactory employee in another position. Such demotion shall be made in

accordance with the procedures in Article X. The employee shall be provided with written notice citing the recommended effective date of the demotion, reasons for the demotion, and appeal rights available to the employee as stated in Article XI of this policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary demotion. The employee must successfully complete pre-employment screening. A voluntary demotion is not a disciplinary action and is made without using the procedures in Article IX of this policy.

SECTION 11. TRANSFER

If a vacancy occurs and an employee eligible for transfer from another department wishes to be considered for the appointment, a written request and application must be submitted as stated in the vacancy announcement during the recruitment period for the position. The request for transfer shall be subject to approval of the Manager. A 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 his or her having requested it may appeal the action in accordance with the grievance procedure in Article XI. For the purposes of transferring employment, this applies to positions of equivalent employment status and does not include an adjustment from full-time to part-time, temporary, seasonal, or any other transition.

Any employee who has successfully completed a probationary period may be transferred to any other position, but must serve another probationary period for the new position.

ARTICLE V CONDITIONS OF EMPLOYMENT

SECTION 1. WORK WEEK

The standard workweek for all employees of the various departments of the County, with the exception of law enforcement, emergency medical service personnel, communications, library and solid waste shall be from 8:00am until 5:00pm, Monday through Friday. Department Heads shall work those hours necessary to ensure the satisfactory performance of their departments, but not less than forty (40) hours per week. When the activities of a particular department require some other schedule to meet work needs, the County Manager may authorize a deviation from the normal schedule.

SECTION 2. GIFTS AND FAVORS

No official or employee of the County shall accept any gift, whether in the form of a service, loan, thing, or promise from any person, firm, or corporation who, in the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the County.

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. No official or employee shall grant, in the discharge of

duties, any improper favor, service, or thing of value. Gratuities shall be refused by all County officials and employees.

SECTION 3. POLITICAL ACTIVITY RESTRICTED

Every employee of Alexander County has a civic responsibility to support government by every available means and in every appropriate manner. Any employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, and 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 the constitution and laws of the United States of America. However, while on duty, no employee of Alexander County shall:

- A) Engage in any political or partisan activity;
- B) Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- C) Be required as a duty of employment or as a condition of employment, promotion, or tenure of office, to contribute funds for political or partisan purposes;
- D) Coerce or compel contributions for political or partisan purposes by another employee of the County; or
- E) Use funds, supplies, or equipment of the County for political or partisan purposes.

Employees subject to the Hatch Act may not be candidates for elected office in a partisan election. Any violation of this section shall be deemed improper conduct and may subject the employee to immediate dismissal or other disciplinary action.

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; governmental decisions and policy be made in the proper channels of the governmental structure; public office not be used for personal gain; and the public have confidence in the integrity of its government.

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

SECTION 5. WORKPLACE HARASSMENT

The County opposes harassment by employees in any form. Harassment is verbal or physical conduct which denigrates or shows hostility or aversion towards an individual because of his or her race, color, religion, gender, national origin, age, or disability, or his or her relatives, friends, or associates.

Any employee who believes he or she may have a complaint of harassment may file the complaint with their immediate supervisor, or if a supervisor is involved, directly with the County Manager. The County Manager will conduct an investigation into any allegation of sexual harassment and advise the employee and appropriate officials of the outcome of the investigation.

Employees witnessing harassment shall also report such conduct to an appropriate County official. For further guidance concerning Workplace Harassment, refer to the County's standing policy "A Guide For Identifying and Preventing Unlawful Workplace Harassment."

SECTION 6. OUTSIDE EMPLOYMENT

The work of the County takes priority over other employment interests. All outside employment for salaries, wages, or commission and all self-employment must be requested in advance to the employee's Department Head. The Department Head and the County Manager will determine whether the outside work would create a conflict of interest or otherwise be incompatible with County service, and approve or disapprove the secondary employment. The assumption of outside employment without prior approval by the County may be deemed improper conduct and subject the employee to disciplinary action, up to and including dismissal.

SECTION 7. LIMITATION ON EMPLOYMENT OF RELATIVES

The County limits the hiring and employment of immediate family in regular positions within the same work unit. Employment of any person into a regular position who is an immediate family member of individuals holding the position of Board Commissioners, County Manager, Clerk to the Board, or County Attorney is subject to the County Manager's approval. Otherwise, the County will consider employing family members or related persons in the service of the County, considering the following provisions:

No two members of an immediate family shall be employed within the same department if such employment will result in one supervising a member of his or her immediate family, or where one member occupies a position that has influence over the other's employment, promotion, pay administration, and other related management or personnel considerations.

The term "immediate family" means an employee's wife, husband, mother, father, guardian, son, daughter, brother, sister, mother-in-law, father-in-law, grandchild, and grandparent, as well as the various combinations of half, step and adopted relationships that can be derived from those family members named herein.

The Board of County Commissioners shall approve or disapprove the appointment by the Sheriff or the Register of Deeds of a relative by blood or marriage or kinship nearer than first cousin.

SECTION 8. TRAVEL EXPENSE AND REIMBURSEMENT

Vehicles owned by the County will be provided for certain personnel for County business. County vehicles are not to be used for personal purposes.

Travel on official County business outside of the County must be authorized by the supervisor. A written request for overnight travel must describe the travel requested: the purpose of the proposed trip, the distance and destination, and the period of time away from the County. County employees, traveling either inside or outside the County on official business, will be reimbursed for mileage at a rate established by the Board of County Commissioners in the annual budget. Also,

reimbursement will be provided for lodging, meals, and expenses as established by the Board of County Commissioners. Employees and officials, traveling on a reimbursable basis for the County, will keep an accurate record of their expenses. No reimbursement will be paid without a written travel claim signed by the employee and approved by the department head and the County Manager. Receipts for the cost of hotels, meals, and related travel expenses must be attached to the written claim.

SECTION 9. 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.

SECTION 10. PERFORMANCE EVALUATION

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

SECTION 11. SAFETY

Safety is the responsibility of both County management and employees. It is the policy of the County to establish a safe work environment for employees. The County shall provide a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. The county shall comply with all safety laws, ordinances and regulations. Employees will be instructed in the safety aspects and working methods of their job through training. Personal protective equipment and any other special equipment shall be provided to the employees for the protection against job hazards.

To carry out this policy, all members of management must cooperate and take an active part in the risk control program. The program includes:

- A safety organization, including a safety committee, to assure a continuing and improving program for accident prevention
- Safety education and training for all employees, including publication of safety rules and procedures necessary to control accidents
- Safety education and training specific to each department's needs
- Safety inspections to detect hazards and unsafe working conditions or procedures
- Thorough investigation of accidents to be sure corrective action is taken
- Emphasis on good housekeeping and cleanliness

All employees are expected to perform their jobs correctly and safely. Employees are expected to follow safety rules and regulations, report unsafe conditions and unsafe acts, which could cause accidents, and to report injuries and damage promptly. Employees who willfully violates safety rules or indulges in unsafe practices which could endanger self, fellow employees or county property shall be subject to disciplinary action up to and including termination.

SECTION 12. 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 retained in the Human Resources Office.

SECTION 13. 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.

ARTICLE VI HOLIDAYS AND LEAVE

SECTION 1. PURPOSE

The policy of the County is to provide designated types of leave to all full-time and eligible part-time employees in a regular position with the County.

SECTION 2. PAID HOLIDAYS OBSERVED

The following holidays, and such others as the Board of County Commissioners may designate, shall be observed by County offices and shall be counted as paid holidays:

New Year's Day, Martin Luther King Jr.'s Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving (2 days), Christmas (see schedule below)*

Christmas Holiday*	Leave Day
Monday	Monday, Tuesday
Tuesday	Monday, Tuesday
Wednesday	Tuesday, Wednesday
Thursday	Wednesday, Thursday
Friday	Thursday, Friday
Saturday	Friday, Monday
Sunday	Friday, Monday

*Days observed may vary to coincide with North Carolina state government holidays.

Employees may wish to be away from work on certain days for religious observances. Department Heads should attempt to arrange the work schedule so an employee may be granted appropriate leave when it is requested because the day is a major religious observance for that employee. Appropriate leave should be denied only when it would create an emergency condition that cannot be prevented in any other manner.

All full-time employees appointed to a permanently established position, shall receive eight hours of paid time off based on these holidays or will receive eight hours of holiday pay. All eligible part-time employees with benefits shall receive prorated holiday pay if the holiday falls on scheduled workday. Examples of employees not eligible for paid holidays include those employed on a part-time basis or do not work a regular work schedule such as convenience center operators, EMTs, telecommunicators, detention officers, deputies, etc.

Due to budget restraints, the County Manager, at his discretion, may require time off without pay for all exempt and non-exempt employees during the holiday seasons.

SECTION 3. EFFECT OF HOLIDAYS ON OTHER TYPES OF PAID LEAVE

Holidays that occur during vacation, sick, or other paid leave period shall not be charged as vacation, sick, or other paid leave.

SECTION 4. HOLIDAYS - COMPENSATION WHEN WORK IS REQUIRED

Non-exempt employees required to perform work on regularly scheduled holidays will receive eight hours of holiday pay and will be granted compensatory time at an hour-for-hour rate for each hour worked on the holiday. Any hours actually worked over 40 in a seven-day period will be paid at time and a half. Any additional pay for holiday hours worked will be at the discretion of the Board of County Commissioners. Employees in Emergency Medical Services, Sheriff's Department, Communications, and Landfill, who, by the nature of their position are required to work on a holiday, may be granted floating holidays or may be granted eight hours of holiday pay in lieu of taking a floating holiday.

An exempt employee required to work on a regularly scheduled holiday will receive bonus time at an hour-for-hour rate for each hour worked.

SECTION 5. ADVERSE CONDITIONS LEAVE

County departments shall remain open for a full scheduled workday unless authorized for delayed opening or early closing or other deviation is received from the County Manager's office. Essential employees, identified as emergency personnel within the departments of EMS, Sheriff's Office, 911 Communications and Emergency Services are not subject to this section, and consequently, do not receive compensatory time for hours worked during a scheduled delay/closing. On-call and exempt employees may be required to report for work during the adverse conditions leave, as required by the County Manager or Department Head. Part-time (no benefits) and seasonal/temporary employees do not receive adverse conditions leave.

Full-time and part-time with benefit employees will receive adverse conditions leave under the circumstances listed below. Any deviation in this section, or the announced delay/closing, requires prior approval from the County Manager.

A) An employee does not receive adverse conditions leave and hours worked when reporting before the delayed opening or working past the announced closing time.

B) An employee does not earn compensatory time for the adverse conditions leave.

C) An employee who does not report to work when departments are operating on a delay or early closing subject to this section will be required to use compensatory, bonus or annual leave.

D) An employee will be required to use compensatory, bonus or annual leave for the balance of time from the announced delay and when the employee reports to work.

E) The County Manager must also approve any delayed openings or early closings of departments open during the weekend hours, such as the Library, Landfill, Convenience Sites, and Rocky Face Park.

SECTION 6. ANNUAL LEAVE

Annual leave may be used for rest and relaxation, school appointments, medical appointments, and other personal needs. Any compensatory or bonus time earned by the employee should be used prior to using annual leave. Annual leave is also referred to as vacation leave.

SECTION 7. CALENDAR YEAR

For the purpose of earning and accruing annual leave, the twelve (12) calendar month periods between January 1 and December 31 is established as the leave year.

SECTION 8. ANNUAL LEAVE ACCRUAL RATE

Each regularly salaried employee occupying a regularly established budgeted position shall earn annual leave on a monthly basis in accordance with the following schedule of total service, prorated by the average number of hours in the workweek:

<u>Years of Service</u>	<u>Hours Per Month</u>	<u>EMS Hours Per Month</u>
Less than 2	7.83 hrs	11.50 hrs.
2 to 5	9.17 hrs	13.50 hrs.
5 to 10	11.17 hrs	15.50 hrs.
10 to 15	13.17 hrs	17.50 hrs.
15 to 20	15.17 hrs	19.50 hrs.
20 to 25	17.17 hrs	21.50 hrs. (Eff 7/1/2019)
25 to 30	19.17 hrs	23.50 hrs. (Eff 7/1/2019)
30+	21.17 hrs	25.50 hrs. (Eff 7/1/2019)

Regularly scheduled eligible part-time employees, working more than 30 hours per week, shall earn leave on the above schedule on a pro-rated basis. Employees hired on or before the 15th of each month are eligible for a full accrual for the month hired. Employees hired after the 15th will not receive an accrual in the month hired.

SECTION 9. ANNUAL LEAVE - MAXIMUM ACCUMULATION

Annual leave may be accumulated without any applicable maximum until December 31 of each calendar year. However, if the employee separates from service in good standing, payment for accumulated leave shall not exceed thirty (30) days or 240 hours.

At the end of the calendar year, those employees having accrued annual leave in excess of 30 days, or 240 hours, shall transfer this unused annual leave to sick leave, hour for hour. This converted annual leave can then be used for any authorized sick leave purposes, including creditable service at the time of retirement in accordance with Local Government Retirement System provisions.

SECTION 10. ANNUAL LEAVE - MANNER OF TAKING

Annual leave shall be taken with the prior approval of the employee's Department Head or Supervisor. Employees shall be granted the use of earned annual leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the County. Department Heads are responsible for insuring that approved annual leave does not hinder the effectiveness of service delivery. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time.

SECTION 11. ADVANCED LEAVE

When annual leave, compensatory time, sick leave, and if eligible, shared leave have been exhausted, sick leave may be advanced to a non-exempt employee in good standing in special hardship cases due to a catastrophic injury or illness of the employee or immediate family member. Annual leave may only be advanced to an employee who has at least one year of employment with the County; has received a positive rating on the most recent performance evaluation; has disciplinary action in their personnel file within the past year; and must have exhausted all sick leave options, compensatory or bonus time, and personal accumulated annual leave. Leave advanced in this manner shall be used as sick leave, but the amount of leave advanced may not exceed 160 hours. Employees seeking advanced leave must request advanced leave in writing to the Department Head and leave must be approved by the County Manager. After returning to work, advanced sick leave will be "repaid" at the current leave rate earned by the employee. After returning to work following the advancement of leave, an employee may not use sick or annual leave until all advancement has been credited back to the County through the monthly accrual process.

SECTION 12. ANNUAL LEAVE - PAYMENT UPON SEPARATION

An employee will normally be paid for annual leave accumulated to the date of separation, not to exceed a maximum of 240 hours, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation and the employee resigns in good standing. Any employee failing to give the notice required by this section, resigns pending disciplinary action, or involuntary separation shall forfeit payment for accumulated leave. The notice requirement may be waived by the Department Head when deemed to be in the best interest of the County.

Any non-exempt employee owing advanced annual leave to the County shall reimburse the County by having the amount owed deducted from their final paycheck providing that deduction amount does not place the employee in a position to earn an hourly rate of less than minimum wage.

SECTION 13. ANNUAL LEAVE - PAYMENT UPON DEATH

The estate or designated beneficiary of an employee who dies while employed by the County shall be entitled to payment for all the accumulated vacation leave, up to 240 hours, credited to the employee's account.

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.

Employees may be granted sick leave for absence due to the following:

- A) Sickness or bodily injury of the employee that prevents them from performing their regular duties; and/or medical or dental appointments of the employee.
- B) Sickness or bodily injury of an employee's immediate family member, and/or medical or dental appointments for an immediate family member that meets the FMLA definitions and limits. For purposes of the use of sick leave in general, immediate family members will be defined as employee's spouse; child; step-child; parent; step-parent; sibling; grandchild; and grandparent.
- C) An employee absent due to a temporary disability may be required to provide a doctor's certificate to verify the employee's period of temporary disability for these reasons.
- D) Exposure to a contagious disease when continuing work might jeopardize the health of others.
- E) Death in the employee's immediate family (the employee's spouse, parent, child, sibling, guardian, mother-in-law, father-in-law, grandchild and grandparent, as well as the various combinations of half, step and adopted relationships that can be derived from those family members named herein) not to exceed three (3) days for any one occurrence. Additional leave time, under exceptional circumstances, may be authorized by the Department Head.
- F) 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.
- G) Qualifying FMLA events.

Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or no later than one (1) hour after the beginning of a scheduled workday. Sick leave may only be taken with the approval of the immediate supervisor. Failure to notify and/or obtain approval appropriately may result in disciplinary action up to and including termination. Three consecutive days of absences without proper notification to Department Head or Supervisor shall be considered a voluntary resignation.

SECTION 15. SICK LEAVE - ACCRUAL RATE AND ACCUMULATION

Each regular salaried employee occupying a regularly established, budgeted position shall earn sick leave on a monthly basis, at the rate of eight hours per calendar month. Sick leave for employees working other than the normal 40-hour workweek schedule shall be prorated as described in this Article. Sick leave will be cumulative for an unlimited number of days.

At the time of separation, any non-exempt employee owing sick leave to the County shall be deducted from the employee's final compensation providing that the amount deducted does not place the employee's earning an hourly rate below minimum wage.

Sick leave earned monthly is allowed as creditable service at the time of retirement to employees who are members of the North Carolina Local Government Employees Retirement System. One month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires, and an additional month is credited for any part of twenty (20) days unused sick leave left over. Refer to the North Carolina Local Government Employees Retirement System manual for full details regarding sick leave allowed as credible service.

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 in the LGERS manual for employees retiring.

Any compensatory or bonus time earned by an employee shall be taken prior to using the sick leave account.

SECTION 16. SICK LEAVE - MEDICAL CERTIFICATION

The employee's Department Head or the Human Resources Director, under the direction of the County Manager, may require a statement from the physician providing evidence of the medical appointment. The certification must specify the employee's capacity to resume duties and perform the essential functions of their position, for each occasion on which an employee uses sick leave or whenever the supervisor observes a pattern of absenteeism. At the expiration of an authorized sick leave period, the Human Resources Director, under the direction of the County Manager, may require a physical and/or mental examination, at the County's expense. The employee may be required to submit to such medical examination or inquiry as the Human Resources Director deems necessary. The Department Head shall be responsible for the application of this provision to the end that:

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

Claiming sick leave under false pretenses to obtain a day off with pay shall subject the employee to disciplinary action up to and including termination.

SECTION 17. SICK LEAVE - TRANSFER FROM OTHER GOVERNMENTAL AGENCIES

Unused sick leave earned from another North Carolina state or local governmental agency and/or entity will be accepted and transferred to the County as follows:

- A) Verification received in days will be calculated and accepted in hours reverting to the nearest whole.
- B) The total number of hours accepted as transferred will be added to the record after completion of a successful six (6) month probationary period.
- C) Verification of accumulated sick leave must be received in writing from previous employer.
- D) The transfer must be completed within three (3) years from the employee's last workday with the previous employer.

SECTION 18. LEAVE PRO-RATED

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

- A) The number of hours worked by such employees shall be divided by the number of hours in the basic workweek (usually 40 hours).
- B) The proportion obtained in step one (1) shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek.
- C) The number of hours in step two divided by 12 shall be the number of hours of leave earned monthly by the employees concerned.

SECTION 19. FAMILY AND MEDICAL LEAVE ACT (FMLA)

In compliance with the Family and Medical Leave Act of 1993, (FMLA) and as amended, all employees who have been employed with Alexander County at least twelve months, and who have worked at least 1,250 hours in the previous 12-month period for the County are eligible for FMLA leave for the circumstances identified below as provided by 29 CFR Part 825.

Twelve month defined. Need not be consecutive months; employment periods prior to a break in service of seven years or more will not be counted unless the break is occasioned by the employee's fulfillment of his or her National Guard or Reserve military obligation (as protected under the USERRA); or a written agreement exists concerning the County's intention to rehire the employee after a break in service. (For more information, see special rules for returning reservists under USERRA.)

The County shall use a "rolling 12-month period to measure backward from the date an employee uses any FMLA Leave. FMLA leave may be taken: (1) for the birth of a child, (2) the placement of a child in the employee's home through adoption or foster care; (3) to care for the employee's spouse, child, or parent (not including in-laws) who has a serious health condition; (4) for a serious health condition that makes the employee unable to perform his/her job; (5) qualifying military exigency leave; (6) military care giver leave.

A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves either:

(1) Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (*i.e.* inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; **or**

(2) Continuing treatment by a health care provider which includes a period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes: treatment two or more times by or under the supervision of a health care provider (*i.e.*, in person visits the first visit within 7 days and both within 30 days of the first day of incapacity); **or**

(3) One treatment by a health care provider (*i.e.* an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (*e.g.*, prescription medication, physical therapy); **or**

(4) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; **or**

(5) Any period of incapacity or treatment for a chronic serious health condition that continues over an extended period, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; **or**

(6) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; **or**

(7) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

FMLA leave may be requested for any eligible reason. The County may designate otherwise qualified leave as paid or unpaid. The County may retroactively designate leave used for a qualifying FMLA circumstance as FMLA leave toward the employee's 12-week entitlement, if it learns after the leave begins or after the fact that such leave qualified as FMLA. All designated paid leave shall run concurrent with FMLA. Compensatory and bonus time shall be exhausted before paid sick or annual leave is granted.

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

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 combined total of 12 weeks leave under FMLA. Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement. Leave is limited to a combined total of 26 weeks if it is to care for a covered service member with a serious injury or illness.

Employees are required to exhaust accrued paid leave and shared leave, if eligible, prior to taking leave without pay for purposes normally eligible for paid leave. However, paid leave for non-FMLA eligible purposes will not count against the 12 weeks of FMLA leave. For example,

employees may take up to 3 days of sick leave for a death in the immediate family. This paid leave would not count toward the 12 weeks of unpaid FMLA leave.

SECTION 20. FMLA MEDICAL CERTIFICATION

The employee is required to provide 30 days advance notification of the need to use unpaid FMLA leave, when the leave is foreseeable. If the leave is foreseeable, less than 30 days in advance, the employee must provide notice as soon as practicable- generally the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case.

In order to qualify for leave for circumstance #3 and #4, medical certification is required. The certification form will be provided with the eligibility notice by Human Resources. A doctor's statement is not sufficient. The certification form provided by Human Resources must be returned within 15 days (or the date indicated on the eligibility form, complete and sufficient. If it includes 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. In the event there is a need to clarify or authenticate medical certification for a serious health condition, a human resources representative will be the point of contact for appropriate health care providers. If the health care provider refuses to clarify or verify the information on the certification form, the employee is encouraged to provide a medical release. While providing a medical release is not required, if the health care provider does not verify or clarify the information, the FMLA leave will be denied and the absence charged as unauthorized.

The employee is expected to return to work at the end of the leave period stated in the medical certification, unless he/she has requested additional time in writing under the County's Leave without Pay policy. Employees returning from family medical leave must provide medical certification to return to work with no limitations. Failure to return to work after the expiration of the leave will be considered a voluntary resignation.

SECTION 21. FMLA - RETENTION AND CONTINUATION OF BENEFITS AND MEDICAL CERTIFICATION

Insurance Benefits. An employee's health coverage will be maintained during FMLA leave at the same level and status as during regular work periods. An employee must arrange for his/her normal share of cost when taking FMLA leave (i.e. payroll deduction for dependent coverage or any portion of their own coverage the employee is normally responsible for.) An employee failing to return to work, for reasons other than a continued serious health condition, will be required to reimburse the County for the employee's health insurance premiums during the FMLA leave period.

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

Annual Leave, Sick Leave and Holiday Leave Benefits. An employee's annual and sick leave will continue to accrue at the same rate as when he/she is on the job. If a holiday occurs while on FMLA, the employee will receive holiday pay.

Job Retention. Otherwise qualified employees taking FMLA leave must be returned to the same or equivalent position, including status, pay, benefits, and other employment terms, upon returning to work. The position will be the same, or one that entails substantially equivalent skill, effort, responsibility, and authority. Employees will not lose seniority or seniority-based benefits.

SECTION 22. FMLA: MILITARY FAMILY LEAVE ENTITLEMENTS

Amendments to the FMLA by the National Defense Authorization Act (NDAA), Public Law 110-181, expanded the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-month period for any “qualifying exigency” arising out of the fact that a covered military member is on covered active duty, or has been notified of an impending call or order to covered active duty. The NDAA also amended the FMLA to allow eligible employees to take up to 26 weeks of job-protected leave in a “single 12-month period” to care for a covered service member with a serious injury or illness. These two new types of FMLA leave are known as the military family leave entitlements.

Qualifying Exigency Leave. Alexander County shall grant an eligible employee up to a total of 12 workweeks of unpaid leave during the normal 12-month period established for FMLA. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the Armed Forces, to include National Guard or Reserves.

Qualifying exigencies include issues arising from a covered military member’s short notice deployment for a period of seven days from the date of notification; military events and related activities sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of a covered military member; certain childcare and related activities arising from the covered active duty or call to covered active duty status of covered military members; making or updating financial and legal arrangements to address a covered military members’ absence; attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member; taking up to five days of leave to spend with a covered military member who is on short-term temporary leave during deployment; attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member’s covered active duty status, and addressing issues arising from the death of a covered military member.

Covered active duty means, in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty.

Notice of the Need to Take Qualifying Exigency Leave. An employee must provide notice of the need for qualifying exigency leave as soon as practicable. If the leave is foreseeable, Human Resources should be notified on the same day or the next business day. If the need for leave is unforeseeable, an employee must comply with normal call-in procedures when calling in absent.

Certification for Qualifying Exigency Leave. Upon request for leave, an employee will be required to provide a certification of qualifying exigency for military family leave (Form WH-384) and supporting documents as listed on the Form WH-384. A certification will be required for each individual qualifying exigency arising out of the same call to duty.

Military Caregiver Leave. An employee who is a spouse, son, daughter, parent, covered service member, or next of kin of a covered service member with a serious injury or illness may be granted up to a total of 26 workweeks of paid or unpaid leave during a “single 12-month period” to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or reserves at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

A serious injury or illness is one that was incurred by a member of the Armed Forces, including a member of the national Guard or Reserves means an injury or illness that was incurred in the line of duty on active duty in the Armed Forces and that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. In the case of a veteran, who was a member of the Armed Forces, including a member of the National Guard or Reserves, means a qualifying injury or illness that was incurred by a member in line of duty on active duty in the armed Forces or existed before the members active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that manifested itself before or after the member became a veteran.. The FMLA “serious health condition” does not apply to this leave. The “single 12-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the employer for other types of FMLA leave. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the “single 12-month period.”

Military Caregiver Certification Requirements. Same notice requirements as applies to FMLA leave for serious health condition of an employee or of an employee’s immediate family member.

Certification for Requirements Military Care Giver. Pursuant to 29 CFR 825.310 (b) and (c), medical certifications for military caregiver leave will ask information sufficient to establish the employee’s need for leave including the following facts: (1) a statement of medical facts regarding the service members health condition, specifically, facts relating to whether the injury or illness renders the service member medically unfit to perform the duties of his or her military office, grade, rank, or rating and whether the member is receiving medical treatment, recuperation or

therapy; (2) information sufficient to establish that the service member is in need of care; (3) a description of the care to be provided to the service member and an estimate of the leave needed to provide the care; (4) the relationship of the employee to the service member. Certification of the need for military caregiver leave shall be subject to the same time requirements as FMLA leave. Acceptable documents in lieu of the Certification Form WH-385 for military caregiver leave are invitational travel orders (ITOs), invitational travel authorizations ITAs)

Calculating the Amount of Military Caregiver Leave. An employee is eligible for 26 weeks of leave to care for the service member during a single 12-month period. This is a per covered service member per injury event. An employee is entitled to a combined total of 26 workweeks of leave for any FMLA qualifying reason in a year in which she or he takes military caregiver leave. The single 12-month period begins the first day the employee takes military caregiver leave and ends 12-months later. Military caregiver leave may also be taken on an intermittent or reduced leave schedule.

SECTION 23. FMLA: OTHER DEFINITIONS AND ISSUES

All definitions and issues not covered in the policy will be governed by regulations and interpretations of the FMLA of 1993 and amendments to the FMLA by the National Defense Authorization Act (NDAA) Public Law 110-181.

SECTION 24. LEAVE WITHOUT PAY

A regular full or eligible part-time employee may be granted a leave of absence without pay for a period of up to six months by the Human Resources Director, after consultation with the Department Head and County Manager. The leave shall be used for reasons of personal disability, sickness or disability of immediate family members, continuation of education, special work that will permit the County to benefit by the experience gained or the work performed, or for other reasons deemed justified by the County Manager.

The employee shall contact Human Resources for appropriate forms and necessary documentation when requesting leave without pay. The employee is obligated to return to duty within or at the end of the time determined appropriate by the County Manager.

An employee must exhaust all applicable other leave options, sick time, annual leave, comp time, and/or bonus time. Vacation and sick leave credits will not be accrued during non-FMLA leave. Holiday pay will not be accrued or paid during non-FMLA leave.

The employee may continue to be eligible for benefits under the County's group insurance plans, subject to any regulations adopted by the County Commissioners and the regulations of the respective insurance companies at the employee's expense for a period not to exceed six months. Failure to pay the employee portion of medical and dental premiums for 30 days will result in termination of insurance coverage. Should a lapse in coverage occur, COBRA and HIPPA regulations will apply, and a 30-day waiting period must be satisfied. Employee will be responsible for premiums on all voluntary insurance.

Upon returning to duty after being on approved leave without pay, an employee will be returned to the position they left when the leave began or to an equivalent position with the same benefits, pay, and other terms and conditions of employment as before the leave. Employees returning from leave without pay for medical purposes must provide medical certification to return to work with no limitations. If the employee decides not to return to work, the Department Head shall be notified immediately. Failure to report for duty for three consecutive days upon expiration of approved leave unless an extension has been requested and approved will be considered a voluntary resignation.

SECTION 25. WORKERS' COMPENSATION LEAVE

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave or vacation during the first seven-day 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. For additional information please refer to Alexander County's Personnel Policy, Article IX – Worker's Compensation. Workers' compensation leave for a work related injury or illness that also qualifies as FMLA leave, will be designated and counted as FMLA leave toward the employee's 12-week entitlement.

SECTION 26. MILITARY LEAVE

A regular employee who is a member of the National Guard or Armed Forces Reserve will be allowed ten (10) workdays of military training leave annually, with partial compensation. If the compensation received while on military leave is less than the salary that would have been earned during this same period as an active employee, the employee shall receive partial compensation equal to the difference in the base salary earned as a reservist or a guardsman and pay that would have been earned during this same period as a County employee. The effect will be to maintain the employee's pay at the normal level during this ten (10) workday period. 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 such military duty is required beyond this ten (10) workday period, the employee shall be eligible to take accumulated vacation leave or be placed on leave without pay status.

While on military leave with partial pay or without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee remained with the County during this period. An employee's health coverage will be maintained during military leave at the same level and status as during regular work period. An employee must arrange for optional benefit premiums to be paid while on leave. Employees who are guardsmen and reservists have all job rights specified in the Vietnam Veterans Readjustment Assistance Act.

SECTION 27. REINSTATEMENT FOLLOWING MILITARY SERVICE

Under the Uniformed Services Employment and Reemployment Rights Act (USERRA), there are time limits for returning to work that are based on the duration of the employee's military service. Time limits are as follows:

- A) Time in service is for less than 31 days – employee must report to work by the beginning of the first regularly scheduled workday eight hours after he or she returns home from the military, or
- B) Time in service is from 31-180 days – employee must submit an application for employment no later than 14 days after completion of the service, or
- C) Time in service is for 181 days or more – employee must submit an application for employment no later than 90 days after completion of service, and
- D) 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 is able to perform the duties of the former position or similar position or 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.

An employee returning from military leave and qualifying for USERRA benefits may have the time of service counted toward the FMLA 12 month employment test and the FMLA 1,250-hour requirement for FMLA eligibility.

SECTION 28. COURT LEAVE

A County employee called for jury duty or as a court witness for the federal or state government, or a subdivision thereof, shall receive leave with pay only for the period of absence required by the court without charge to accumulated leave. The employee is entitled to regular compensation, and fees received for jury or witness duty; 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 with the County. While on Court Leave, benefits and leave shall accrue as though on regular duty.

Employees must return to work for any portion of the day remaining, immediately upon being excused from duty. Failure to return to work without appropriate authorization from management may result in disciplinary action up to and including termination.

Employees who are called for jury duty are required to provide their Supervisor with a copy of their notice to serve and a copy of this document must accompany the timesheet for the weeks in which jury duty pay is awarded.

SECTION 29. EDUCATIONAL LEAVE

Educational leave with pay shall be granted in accordance with the Fair Labor Standards Act 29 CFR Part 553 and 785 regulations which covers employer required training.

Educational leave without pay may be granted by utilizing the Leave without Pay policy as outlined in Alexander County's Personnel Policy, Article VI Section 23.

SECTION 30. CHILD INVOLVEMENT LEAVE

On January 1 of each year, employees will be credited with eight (8) hours paid leave time to attend activities at school. Employees may take leave to:

- A) Meet with a teacher or administrator of any elementary school, middle or junior high school, high school, college, or childcare program authorized to operate under the laws of the State of NC, concerning the employee's children, stepchildren, foster children or grandchildren.
- B) Attend any function sponsored by the school or childcare program in which said children are participating.
- C) Perform volunteer work approved by a teacher, school or program administrator.

Employees may take said leave under the following policy:

- A) Leave time will be taken at a mutually agreed upon time between the immediate supervisor and the employee.
- B) Employees will provide a request at least 48 hours before the leave is taken, unless exempted by the supervisor.
- C) Employees will provide evidence they attended a school event.

Leave will be documented on time sheets and expires at the end of each calendar year, and therefore does not accumulate.

ARTICLE VII EMPLOYEE BENEFITS

SECTION 1. POLICY

The policy of the County is to provide essential benefits to all full-time and eligible part-time employees in a regular position with County.

SECTION 2. HEALTH INSURANCE BENEFITS

The County will provide, at no cost to the employee, individual health and dental insurance to all employees occupying full-time budgeted positions and to those eligible part-time employees as approved by the Board of County Commissioners.

If a part-time employee's health and dental insurance premium is fully paid through a grant, the employee will not be responsible for any payment. Employees shall be enrolled in the program in accordance with the provisions of the insurance contract and on the first day of the month following a thirty (30) day waiting period.

Deductions shall be allowable, at the option of the employee, to provide health and dental coverage for dependents in accordance with the provisions of the insurance contracts.

Eligible employees hired before July 1, 2009 in good standing who retire through the Local Government Employee Retirement System have the option of continued health insurance. Refer

to the County's *Retiree Health Benefits Policy* for eligibility requirements and additional specific policies and procedures.

SECTION 3. LIFE INSURANCE

The County provides Life Insurance in the amount of \$12,500 to all full time and eligible part time employees at minimal cost to the employee. Additional life insurance options are available at the employee's expense.

SECTION 4. UNEMPLOYMENT COMPENSATION

County employees who are laid off or dismissed from the County service may apply for unemployment compensation through the local office of the Employment Security Commission. Eligibility for unemployment will be determined by the Employment Security Commission.

SECTION 5. OLD AGE AND SURVIVOR'S INSURANCE (SOCIAL SECURITY)

The County, to the extent of its lawful authority and power, shall extend social security benefits for its eligible employees in accordance with the provisions of the Social Security Act. The federal Social Security program provides monthly benefits upon retirement, with full benefits available at age sixty-five or higher depending on the employee's birthday and Social Security benefits regulations, and reduced benefits available as early as age sixty-two.

SECTION 6. RETIREMENT BENEFITS

Each employee in a budgeted position, working a regularly scheduled minimum of 1000 hours per year, will be enrolled in the Local Government Employee Retirement System. Employees contribute, through payroll deduction, six percent (6%) of their gross salary each month to the system. The County contributes an actuarially determined percentage of the gross payroll each month to the system.

Upon the event of an eligible employee's death, their beneficiaries will be paid a lump sum equal to the amount of the employee's yearly salary, up to a maximum of \$50,000. Refer to the *Local Government Retirement System Handbook* for more detailed information.

SECTION 7. SUPPLEMENTAL RETIREMENT INCOME PLAN (401-K)

The County provides a 401-K Plan and deferred compensation plan, which allows employees to defer a portion of their income before taxes into a 401-K tax deferment plan. The County contributes a percentage to sworn Law Enforcement Officers, only.

The County provides contributions of 5% to the State Supplemental Retirement Income Plan for all sworn law enforcement personnel effective on the date of hire. The County pays the legally required amount for each employee in accordance with State Statute. The County also pays a monthly separation allowance to retired sworn law enforcement officers as required by North Carolina General Statutes.

SECTION 8. WORKERS' COMPENSATION

All employees of the County (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act for medical expenses and lost time for work. Employees are required to immediately 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 with the assistance of Human Resources. Refer to Alexander County's Personnel Policy, Article IX – Worker's Compensation for detailed policies and procedures regarding worker's compensation.

SECTION 9. LONGEVITY

After five (5) years of continuous full-time County service, the eligible employee receives a lump sum payment of 1.5% of his/her annual salary on the first payroll date during the month of his/her anniversary date. For purposes of calculating the longevity payment, annual salary is defined as the sum of: 1) the annual salary amount listed in the payroll accounting system as of the Friday prior to the longevity check date; plus 2) any overtime wages paid to the employee during the 12 month period prior to the month of the employee's anniversary date. After the first longevity payment, the percentage of salary received increases by one-tenth of a percent each year to the maximum of 4% after 30 years of service. (Example: 6 years = 1.6%, 7 years = 1.7%, 8 years = 1.8%, etc.) An employee who leaves County service for any reason will lose their accumulated longevity status and must start over if they return to the County employment.

SECTION 10. OTHER BENEFITS (FLEXIBLE)

Additional deductions or benefits may be allowed at the option of the employee, under the provisions of the insurance contracts, and may be payroll deducted:

Examples: (list is not all inclusive)

- A) Miscellaneous Insurance.
- B) Credit Union.
- C) Deferred Compensation Plan: Provides supplemental long-term retirement under
- D) Section 457 of the Internal Revenue Code.
- E) Flex Plan: Provided by Section 125 of the Internal Revenue Code, allowing
- F) Employees to spend pretax dollars on insurance premiums and deductibles.
- G) United Way Contributions.

ARTICLE VIII SEPARATION AND REINSTATEMENT

SECTION 1. TYPES OF SEPARATION

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

SECTION 2. RESIGNATION

An employee who wishes to terminate employment with the County should submit written notification to their immediate supervisor as far in advance as possible, and in all instances, the minimum notice is at least two (2) weeks prior to the intended date of separation. If proper two weeks' notice is not given, the employee waives payment for accrued annual leave unless the notice is waived upon recommendation of the Department Head and approved by the County Manager.

The employee may not use compensatory, bonus, or annual leave during the two week notice. If sick leave is taken during the second week of the notice, their official last day of employment is revised to the last date actually worked.

An employee who is absent from work for three (3) consecutive work days without reporting to their supervisor shall be considered to have separated employment without notice and to have waived payment for any accrued annual leave.

SECTION 3. REDUCTION IN FORCE

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance as documented by current performance appraisals, skills and abilities, and organizational needs in determining those employees to be retained. Employees who are laid off because of a reduction in force shall be given at least two (2) weeks' notice and/or two (2) weeks severance pay. No regular employee shall be separated while there are temporary, trainee, or probationary employees serving in the same class in the department, unless the permanent employee is not willing to transfer to the position held by the temporary, trainee or probationary employee.

An employee in good standing who is separated due to a reduction in force shall be given first consideration for vacancies in same or similar positions for one year after the reduction in force. An employee in good standing 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. Consideration will be given to qualifications, needs of the department, and past employment history. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave, and service credit for calculating retirement, annual leave and longevity benefits.

SECTION 4. DISABILITY

An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment. Action for disability separation may be initiated by the employee or the County, but in all cases, consideration for disability separation shall be supported by medical evidence as certified by a competent physician. The County may require a physical and/or mental examination at its expense and by a physician of its 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 Retirement System may elect to retire and receive all benefits earned under the retirement plan.

SECTION 6. DEATH

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

SECTION 7. DISMISSAL

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

SECTION 8. 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 who resigns from a full-time position must have a thirteen week break in service before he or she can be rehired into another position.

Any employee who separates in good standing and is rehired within three years will be credited with previously accrued sick leave and receive previous credit time for the purpose of accruing annual leave. The total months of previous service time will be recognized at the end of the six (6) month probationary period. Rehired employees do not receive credit for prior years of service for the purpose of longevity bonuses.

ARTICLE IX WORKERS' COMPENSATION POLICY

SECTION 1. PURPOSE

The purpose of this policy is to outline the medical benefits and disability compensation in accordance with the North Carolina Workers' Compensation Act. Compensation is provided to employees who sustain injuries or illnesses, which arise out of or are found to be within the course and scope of their employment.

SECTION 2. COVERED EMPLOYEES UNDER THE WORKERS' COMPENSATION ACT

All employees of the county, regardless of employment status, are covered by the North Carolina Workers' Compensation Act and are entitled to medical attention and appropriate weekly indemnity for injuries or illnesses within the course and scope of their employment.

SECTION 3. COORDINATION WITH OTHER AGENCIES

North Carolina Industrial Commission. This agency establishes the rules and regulations under which the Workers' Compensation Act is administered. Determination of liability and associated costs as a result of the injury will be processed according to these rules and regulations. In cases where the County and the injured employee cannot agree on liability or compensation, the Commission will hold hearings.

North Carolina Occupational Safety & Health Administration (OSHA). Workplace injuries and illnesses qualifying under the Occupational Safety & Health Administration may or may not qualify as Workers' Compensation. The accident status for OSHA recordkeeping will be determined by Human Resources and the Incident Investigator.

Third-Party Administrator. Alexander County contracts with a third-party administrator to handle all Workers' Compensation claims. The third-party administrator is responsible for determination of liability, authorization of treatment, bill processing, weekly compensation benefits and forms filing.

SECTION 4. REPORTING REQUIREMENTS

Employee Responsibilities: It is the employee's responsibility to:

- A) Notify the Department Head and Risk Management of the accident immediately and complete a First Report of Injury or Illness Form. A delay in reporting injury/illness may result in the loss of benefits.
- B) Contact the Department Head and Risk Management **prior** to receiving any non-life-threatening medical treatment. Life-threatening accidents or accidents occurring after normal 8am-5pm working hours may be directed to the nearest emergency room and non-life threatening injuries may be directed to the nearest urgent care facility.
- C) Follow orders of the approved medical professional.
- D) Provide all medical correspondences to the Department Head or Risk Management immediately.

Department Head Responsibilities (or Designee): It is the Department Head's responsibility to:

- A) Evaluate the injury and contact Risk Management to arrange for medical treatment. Life-threatening accidents or accidents occurring after normal 8am-5pm working hours may be directed to the nearest hospital.
- B) Complete a First Report of Injury or Illness Form and forward to Risk Management within 24 hours of the incident.
- C) Notify Human Resources and Risk Management for the specifics of restricted or modified return to work duty. Only Human Resources or the County Manager may authorize waiver and allow employee to miss work excluding the day of the injury.
- D) Maintain complete confidentiality of all work related injuries.
- E) Investigate the incident and recommend measures to eliminate or reduce the hazards.

- F) Submit a completed Incident Investigation Report Form to Risk Management within 48 hours of the incident.
- G) Assist in controlling the cost associated with work related injuries and illnesses.
- H) Post proper procedures in an area visible to all employees at each work location.

Risk Management Responsibilities: It is Risk Management's responsibility to:

- A) Ensure the injured employee receives benefits provided by the North Carolina Workers' Compensation Act if applicable.
- B) Oversee costs associated with work related injuries and illnesses.
- C) Ensure effective processing and monitoring of all claims with the third party administrator.
- D) Communicate Workers' Compensation Policy and procedures to all employees and management.
- E) Oversee Workers' Compensation program.
- F) Participate in the North Carolina Industrial Commission hearings or mediations where appropriate.
- G) Report all injuries to the third party administrator via completion of Industrial Commission Form 19 within the timeframe as required by law.
- H) Communicate with the third party administrator to pre-approve all medical treatment for injured employee.
- I) Maintain all medical records for an injured employee, OSHA 300, 301 and 300A forms as required by law.
- J) Serve as the appointed HIPAA representative for all Workers' Compensation injuries and records excluding communication with designated medical professional, third party administrator and those on a need-to-know basis.
- K) Report fatalities and/or hospitalization of three or more employees to the North Carolina Occupational Health and Safety Administration (OSHA).

SECTION 5. ACCIDENT REPORTING AND MEDICAL TREATMENT PROCEDURES

The following procedures shall be followed when an on-the-job accident occurs:

Step 1: When an accident occurs, report the accident to the Supervisor immediately. In the absence of direct Supervisor, the Department Head, Risk Management or the County Manager's administrative assistant should be contacted immediately.

Step 2: Supervisor will contact Risk Management for pre-approval of medical treatment. Life threatening accidents should be directed to the nearest emergency room. Nonlife-threatening accidents which occur after normal 8am-5pm working hours should be referred to the appropriate medical facility as directed by Risk Management and listed in Attachment A. Notify the emergency room staff that it is a workers' compensation claim for Alexander County Government.

Step 3: Supervisor must notify Risk Management (primary contact) or the Human Resources Office (secondary contact) and submit a Form 19 within 24 hours of the injury whether or not medical treatment extends beyond first aid.

Step 4: Supervisors must investigate all accidents and injuries using an Incident Investigation Report Form and forward the completed documentation immediately to Risk Management. Risk Management will complete a new Form 19 and send the form to the employee and the third-party administrator. If the employee does not agree with the description and/or time of the accident given on the Form 19, the employee should make a written report to their Supervisor within 30 days of the injury. A follow-up investigation will be conducted by the Safety Committee.

Step 5: If the injured employee is placed on light duty work by an authorized medical professional, contact the Risk Management office prior to returning to work for specific instructions.

Step 6: The employee must report to their department head after each doctor's visit and provide medical documentation to Risk Management prior to returning to work.

Step 7: If medical treatment is required, alert the medical facility it is Workers' Compensation. Except for emergencies or after-hours injuries, all treatment must be pre-approved by Risk Management and the Workers' Compensation provider. The employee should not use their medical insurance card.

Step 8: If prescriptions are issued, notify the pharmacist it is a Workers' Compensation claim. Every reasonable effort should be made to use approved pharmacies. A list of approved pharmacies may be obtained by contacting the Risk Management Office.

SECTION 6. LIGHT DUTY

Light duty is defined as a modification in an employee's physical requirements, hours of work, etc. caused by a medical condition as certified by an authorized health care provider which prevents an employee from performing one or more of the essential physical duties of their assigned position. Only medically authorized and specifically defined duties will be considered by Alexander County for light duty.

Only work related accidents or injuries are eligible for light duty. In order for an employee to be considered for light/modified duty, a written signed authorization form from a county approved medical professional must be submitted to Risk Management. The authorization must detail specific physical duties the employee can and cannot perform along with the anticipated duration of the condition. It is the responsibility of Risk Management, in conjunction with the Human Resources Department and the Department Head to accommodate for the employee's limitations, either by minimizing the physical demands of the assigned job or identifying another position within the County which meets the recommendations as specified by the authorized health care provider. The employee may not use sick leave, annual leave, or leave without pay in lieu of returning to work while on light duty status.

Upon completion of the light duty assignment, medical certification must be provided to Risk Management prior to returning to regular duty. In the event the County cannot provide light duty work or lost time from work is required by the authorized medical professional, the employee will be placed on Workers' Compensation Leave as discussed in Section 7 contained herein.

SECTION 7. WORKERS' COMPENSATION LEAVE

A) Leave Procedures. An employee absent from duty because of a sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick or annual leave for the first seven (7) days of an injury. Workers' Compensation does not pay for leave time for the first seven days unless the employee is required by treating authority to be out for at least 21 days (after being absent for 21 days, Workers' Compensation will pay the first seven day waiting period). It will be the employees' responsibility to notify their Department Head and Risk Management of their decision for the pay period involving the seven day waiting period. Timesheets must reflect the decision and be marked Workers' Compensation on the days in which leave is taken.

B) Additional Leave Options. On the eighth day of the authorized absence, the employee will automatically be placed on Workers' Compensation leave. The employee will receive 66 2/3% of gross wages (wages calculated from date of injury to one year prior to injury) for lost time due to the injury or illness. The employee may select to supplement Workers' Compensation payments by using compensatory, sick or annual leave after they begin disability provided the combination of leave and Workers' Compensation payments do not exceed normal compensation. If the employee elects to use compensatory time as a supplement, it shall be paid at the employee's hourly rate of pay. It will be subject to State and Federal tax withholdings and Social Security, but will not be subject to the six percent (6%) retirement withholdings.

C) Use of Leave for Additional Medical Treatment. Medical appointments as a result of a workers' compensated injury during regularly scheduled working hours shall not be charged sick leave or annual leave for time away from work. Time should be reasonable for treatment and travel. An abuse in leave provisions will be charged as sick leave, annual leave or leave without pay. Employees should try to schedule appointments at a time most convenient for their work unit. The employee is expected to return to work after medical treatment unless the authorized healthcare provider prohibited their return to work.

D) FMLA. Qualified employees will be placed on FMLA which will run concurrent with Workers' Compensation. See FMLA policy for additional details of qualifications.

SECTION 8. BENEFITS WHILE ON LEAVE

The following benefits are available to the injured employee while on approved Workers' Compensation Leave:

- Medical and dental insurance premiums will be paid by the County. Premiums for any dependent coverage must be paid by the employee.
- Employees eligible for longevity pay while on leave will continue to receive their annual payments.
- Any cost of living increases, bonuses, etc. which the employee did not receive due to leave will be reinstated upon returning to work.
- The employee shall continue to accumulate annual and sick leave.
- All other payroll deductions for optional benefits will be the responsibility of the employee.

- Employee is entitled to collect reimbursement at the NCIC regulations and effective rate for medical treatment. It is the responsibility of the employee to notify Risk Management of possible travel reimbursement.

SECTION 9. TEMPORARY AND PART-TIME EMPLOYEES

All employees classified as part-time no benefits, temporary or seasonal positions will be placed on inactive status and will receive the benefits eligible under Workers' Compensation Act. All employees classified as part-time with benefits will receive pro-rated benefits as discussed in the Benefits While on Leave, Section 8 of the Workers' Compensation Policy.

SECTION 10. ACCIDENTS INVOLVING COUNTY VEHICLES

Accidents involving the use of County vehicles whether or not the accident results in an injury, shall be reported immediately to the department head. In the absence of the department head, the Risk Management Office or County Manager shall be notified. All county policies and procedures for reporting accidents must be followed.

SECTION 11. ALCOHOL AND CONTROLLED SUBSTANCE TESTING

Employees will be tested for the presence of drugs and alcohol following an on-the-job accident or illness involving one or more of the following: a fatality, injury to an employee or other individual, a motor vehicle accident, or after a sequence of minor accidents or injuries which may not require medical treatment from a licensed physician; any injury or illness receiving authorized medical treatment from a licensed physician.

On-the-job is defined as: On County property, including parking lots, at job sites, driving or riding as a passenger in a County vehicle or private vehicle for which the County authorized reimbursement, on County time even if off County premises (including lunch and rest breaks).

Following an accident, the employee(s) shall be tested as soon as possible, but not to exceed eight (8) hours, for alcohol testing and 32 hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until the employee undergoes a post-accident alcohol test. It is the employees' responsibility to refrain from the legal use of alcoholic beverages until testing is completed. There will be no exceptions. Refer to Section 12 - Discipline and Consequences for positive testing.

For more details regarding alcohol and substance abuse testing see Alexander County's Substance Abuse Policy located at www.alexandercountync.gov or a hard copy may be provided at the employee's request.

SECTION 12. DISCIPLINE AND CONSEQUENCES

- A) Failure to Report Injury. Any employee involved in an on-the-job injury or illness who does not report it immediately will receive disciplinary action up to and including termination. The employee also risks denial of benefits under the North Carolina Workers' Compensation Act.
- B) Failure to Seek Authorized Medical Treatment. It is the County's responsibility to provide appropriate medical treatment for all work related injuries and illnesses. Any employee injured on-the-job who does not obtain prior approval of medical treatment (excluding life threatening accidents and after normal business hour 8am-5pm accidents) will jeopardize payment of accident related expenses. In addition, failure to follow procedures as set forth in the Workers' Compensation Policy will result in disciplinary action up to and including termination.
- C) Positive Drug Test and Alcohol Test. An employee who tests positive for a drug or alcohol screen as defined by the Substance Abuse Policy will be terminated. In addition, an employee who refuses to submit to an alcohol and drug test after a qualifying incident will be considered positive and will be terminated.
- D) Additional Policy Information. Additional information is located in the Alexander County Personnel Policy at www.alexandercountync.gov or a hard copy will be provided at the employee's request.

**ATTACHMENT A
SUPPLEMENTAL INFORMATION**

The attachment provides specific contact information, medical treatment facilities and rates related to the Workers Compensation Policy. The information will be revised periodically to reflect local, state and federal regulations or requirements; is supplemental in form and not intended to substitute as the Workers Compensation Policy.

REQUIRED DOCUMENTATION:

Report an Incident:	Immediately
First Report (Form 19):	Submit to Risk Management within 24 hrs of incident
Incident Investigation Form:	Submit to Risk Management within 48 hrs of incident
Final Report (Form 19):	Risk Management submits within five (5) days

MEDICAL TREATMENT FACILITIES:

<u>Life Threatening Injuries:</u>	Nearest hospital emergency room
<u>Non-Life Threatening Injuries:</u>	Urgent Care of Mountain View - Taylorsville

POST-ACCIDENT DRUG AND ALCOHOL SCREENING FACILITIES:

Urgent Care of Mountain View - Taylorsville

NORTH CAROLINA INDUSTRIAL COMMISSION:

Mileage Reimbursement Rate:	Refer to IRS Schedule
Minimum Mileage Round-trip:	20 miles

CONTACT INFORMATION:

Risk Management 828-632-1132

ARTICLE X DISCIPLINE AND DISMISSAL FOR JUST CAUSE

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 performance.

An employee may be warned, suspended (without pay) for disciplinary reasons or suspended with pay for non-disciplinary reasons, demoted, or dismissed by the employee's department head for just cause. Just cause may be for job performance, personal conduct, or grossly inefficient performance.

All cases of disciplinary suspension, demotion, or dismissal must be approved by the County Manager prior to giving final notice to the employee.

SECTION 2. DISCIPLINARY ACTIONS

Disciplinary actions that may be taken include written warning, suspension without pay, demotion, and dismissal. The action that a supervisor initiates is contingent on the just cause reason for the incident. Actions are cumulative and may be taken in varied combinations. Supervisors should reference the appropriate section of this Article depending on the just cause reason.

SECTION 3. UNSATISFACTORY JOB PERFORMANCE DEFINED

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

- A) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- B) Careless, negligent or improper use of County property or equipment;
- C) Physical or mental incapacity to perform duties;
- D) Discourteous treatment of the public or other employees;
- E) Absence without approved leave;
- F) Repeated improper use of leave privileges;
- G) Habitual pattern of failure to report for duty at the assigned time and place;
- H) Failure to complete work within time frames established in work plan or work standards;
or
- I) Failure to meet work standards over a period of time.
- J) A rating of "Overall Performance Needs Improvement" as defined in the county's Performance Evaluation Policy where applicable.

SECTION 4. COMMUNICATION AND DISCIPLINARY ACTION FOR UNSATISFACTORY JOB PERFORMANCE

Counseling Sessions

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 and plan ways to improvement performance.

The supervisor or department head should discuss in what way the employee's work is deficient and what must be done if the work is to be satisfactory. A brief summary of these counseling sessions shall be noted in the employee's file by the supervisor, and cover the dates of discussion, performance deficiencies, ways to improve and time frames for improvement and follow-up.

Disciplinary Actions

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. Pre-disciplinary conferences, with advance notice, must be held prior to each disciplinary action.

Written warnings must state the following:

- A) It is a warning,
- B) Specify the employee's conduct or performance deficiencies that are the reason for the warning,
- C) Specific performance or conduct improvements that are required to achieve satisfactory performance,
- D) Time limits set for improvement,
- E) Consequences of failing to make the required improvements, and
- F) Right of appeal.

The supervisor will record and submit the information to Human Resources for placement 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.

If unsatisfactory performance continues, dismissal shall be recommended to the County Manager after at least two disciplinary actions, which may be for unsatisfactory job performance, grossly inefficient performance, or unacceptable personal conduct, have been taken.

SECTION 5. GROSSLY INEFFICIENT JOB PERFORMANCE AND UNACCEPTABLE PERSONAL CONDUCT DEFINED

Grossly inefficient job performance exists when job performance is so unsatisfactory that it:

- A) Causes or results in death or serious injury to employee, members of the public or to persons for whom the employees have responsibility;
- B) Results in the serious loss of or damage to County property or funds adversely impacting the County and/or the work unit; or
- C) Failure to obtain or maintain legally required certificates, licenses, bonds or other credentials.
- D) Results in a rating of “Overall Unacceptable” as defined in the county’s Performance Evaluation Policy where applicable.

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

- A) Fraud or theft;
- B) Commission of a felony or the entry of a plea of nolo contendere thereto;
- C) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- D) Willful misuse or gross negligence in the handling of County funds;
- E) Willful or wanton damage or destruction to property;
- F) Willful or wanton acts that endanger the lives and property of others;
- G) Possession of unauthorized firearms or other lethal weapons on the job;
- H) Brutality in the performance of duties;
- I) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- J) Engaging in incompatible employment or servicing a conflicting interest;
- K) Request or acceptance of gifts in exchange for favors or influence;
- L) Engaging in political activity prohibited by this section; or
- M) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations.
- N) Harassment, in any form, of coworkers or the public.

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, or consult with the County Manager regarding these actions: suspend without pay, demote or dismiss. No warning or other disciplinary action is required prior to dismissal. A pre-disciplinary conference must 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.

Following consultation with the County Manager, an employee may be suspended 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 once the employee is suspended. 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 job performance, the Department Head shall provide the employee with an oral or written advance notice of the proposed disciplinary action, which will include:

- A) The proposed disciplinary action being considered
- B) Recommended effective date as it relates to suspension, demotion, or dismissal.
- C) Reason(s) for the action,
- D) A day, date, time, and location for a pre-disciplinary conference.

If demotion is the disciplinary action being considered the notice must include the change that will occur in the employee's salary rate and/or pay grade. At this 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 four (4) working days after the pre-disciplinary conference, notify the employee in writing of the final decision to take disciplinary action.

The County Manager has the final approval on dismissal action.

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 would normally be up to a maximum of forty (40) hours.

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. Also, 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. 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 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) days' 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.

SECTION 10. DISMISSAL RELATING TO CREDENTIALS

State statute and local rules may require specific licensure, registration or certification as defined on 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. Falsification of employment credentials or other documentation in connection with securing employment constitutes just cause for disciplinary action.

SECTION 11. EMPLOYEE APPEAL

An employee wishing to appeal a disciplinary action may present the matter using the grievance procedure prescribed in Article XI of this policy.

ARTICLE XI GRIEVANCE PROCEDURE

SECTION 1. POLICY

Every employee shall have the right to present a grievance in accordance with these procedures, free from interference, coercion, restraint, discrimination, penalty, or reprisal. Employees will be allowed such time off from their regular duties as may be necessary and reasonable as determined by the department head or County Manager to prepare and present a grievance. Supervisors or

other employees who violate this policy shall be subject to disciplinary action up to and including dismissal. No attorneys or other representatives will be allowed to participate in the process.

SECTION 2. COVERAGE

This grievance procedure applies to all departments and all employees of the County except those listed as exempt in Article I, Section 2. A grievance is defined as a concern arising from disciplinary action or discrimination.

SECTION 3. PURPOSE OF THE GRIEVANCE PROCESS

The grievance procedure serves a variety of purposes for the employee and the County, including:

- A) Providing employees an adequate and fair means for hearing matters of concern to County employees.
- B) Encouraging employees to express themselves about conditions of work which affect them as employees;
- C) Promoting better understanding of policies, practices, and procedures which affect employees;
- D) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- E) Increasing the sense of responsibility exercised by supervisors in dealing with their employees;
- F) 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
- G) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the County or its leaders, thus freeing up employee motivation, productivity, and creativity.

SECTION 4. PROCEDURE

When an employee has a grievance, the following successive steps are to be taken unless otherwise provided. The number of 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.

Step One. An employee who wishes to pursue a grievance must file the grievance, in writing, with the immediate supervisor of the one issuing the disciplinary action, within fifteen (15) calendar days of the date of the incident giving rise to the grievance. If the employee alleges unlawful sexual harassment by the immediate supervisor, the employee may file the complaint with the County Manager, as set forth in Article V, Section 5. If the grievance concerns an appeal of a dismissal, it shall be filed directly with the appointing authority (County Manager, Sheriff, or Register of Deeds) at Step Two. An appeal of disciplinary action issued by a department head shall be filed

immediately with the County Manager and follow the procedure provided in Step Three. The immediate supervisor shall meet with the employee within five (5) working days of receipt of the grievance, and attempt to resolve the grievance informally. The supervisor should and is encouraged to, consult with an employee within their department 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. If informal resolution efforts fail, the immediate supervisor shall issue a written decision on the grievance not later than five (5) working days following the meeting.

Step Two. If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the Department Head (if the Department Head is not the immediate supervisor) within five (5) calendar days after receipt of the response from Step 1. The Department Head shall respond to the appeal, stating the determination of decision within five (5) working days after receipt of the appeal.

Step Three. If the grievance is not resolved to the satisfaction of the employee by the Department Head, the employee may appeal, in writing, to the County Manager or the corresponding appointing authority (Sheriff, Register of Deeds) within five (5) calendar days after receipt of the response from Step 2. The County Manager shall respond to the appeal, may meet with the employee to discuss the grievance fully, and will make a decision within (10) working days of receipt of the grievance. The Manager's decision is final. However, the 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.

SECTION 5. MAINTENANCE OF RECORDS

All grievance documentation, records, and reports will be retained for a minimum of three (3) years and shall be held by the County Manager. These records will be subject to review by the grievant, the employee's department head, the County Manager or other appointing authority, and the Board of County Commissioners.

SECTION 6. OTHER REMEDIES PRESERVED

The existence of the grievance procedure does not preclude any individual from pursuing any other remedies available under law.

SECTION 7. GRIEVANCE AND ADVERSE ACTION APPEAL PROCEDURE FOR DISCRIMINATION

When an employee, former employee, or applicant believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, or disability) he or she has the right to appeal such action using the grievance procedure outlined in this policy. While such persons are encouraged to use the grievance procedure, they shall have the right to appeal directly to the County Manager. An employee or applicant should appeal an alleged act of discrimination within thirty (30) calendar days of the alleged discriminatory action.

ARTICLE XII 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 County Manager or his/her designee. The County shall maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs.

SECTION 2. INFORMATION OPEN TO THE PUBLIC

In compliance with GS 153A-98, as amended, the following information with respect to each County employee is a matter of public record:

- A) Name;
- B) Age;
- C) Date of original employment or appointment to County services;
- D) Current position title;
- E) Current salary;
- F) Office to which the employee is currently assigned.
- G) Date and amount of each increase or decrease in salary;
- H) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification;
- I) Date and general description of the reasons for each promotion;
- J) Date and type of each dismissal, suspension or demotion for disciplinary reasons; and
- K) A copy of the written notice of the final decision setting forth the specific acts or omissions for the basis of dismissal due to disciplinary reasons.

SECTION 3. ACCESS TO PERSONNEL RECORDS

As required by G.S. 153A-98, any person may have access to information listed in Section 2 of this article for the purpose of inspection, examination, and copying during regular business hours, subject only to such rules and regulation for the safekeeping of public records as the Board of County Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for a writ of mandamus or other appropriate relief.

SECTION 4. CONFIDENTIAL INFORMATION

All information contained in a County employee's personnel file, other than the information listed in Section 2 of this Article will be maintained as confidential in accordance with the requirement of G.S. 153A-98 and shall be open to public inspection only in the following instances:

- A) The employee or his or her duly authorized agent may examine all portions of the employee's 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 a patient.
- B) A licensed physician designated in writing by the employee may examine the employee's medical record.
 - C) A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
 - D) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
 - E) An official of any agency of the state or federal government, or any political subdivision of the state, may inspect any portion of a personnel file when such information is deemed by the person having custody of the file to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability.
 - F) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
 - G) The County Manager, with the concurrence of the County Board, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a County employee, and the reasons for that action. Before releasing that information, the County Manager shall determine that the release is essential to maintaining the level and quality of County services. The written determination shall be retained in the County Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

SECTION 5. PERSONNEL ACTIONS

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 County Manager. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents. Any documents not contained in these files nor maintained as designated by the County Manager is not an official part of the personnel file.

SECTION 6. RECORDS OF FORMER EMPLOYEES

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

SECTION 7. REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN THE FILE

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

SECTION 8. PENALTY FOR PERMITTING ACCESS TO CONFIDENTIAL FILE BY UNAUTHORIZED PERSON

Section 153A-98 of the General Statutes of North Carolina 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, may be judged guilty of a misdemeanor and upon conviction be fined in an amount not to exceed five hundred dollars (\$500.00).

SECTION 9. 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 North Carolina General Statutes.

SECTION 10. DESTRUCTION OF RECORDS

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5(b) without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates, or destroys it, will be guilty of a misdemeanor and upon conviction will be fined as provided in G.S. 132-3.

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

SECTION 3. EFFECTIVE DATE

These policies shall become effective on a date approved by the County Board of Commissioners. Revision adopted June 2, 2003, April 16, 2012, February 2, 2015, June 3, 2019.

ARTICLE XIV SUBSTANCE ABUSE POLICY

SECTION 1. POLICY

Alexander County employees are our most valuable resource and as an employer, the goal is to provide a safe and healthy working environment promoting opportunities for growth. In meeting these goals, it is the County's policy to (1) assure employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; (2) create a workplace environment free from the adverse effects of substance abuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances and (4) encourage employees to seek professional assistance when personal problems, including substance abuse dependency, adversely affects their ability to perform assigned duties.

SECTION 2. PURPOSE

The purpose of this policy is to limit the risks posed by the use of illegal drugs, legal drugs not lawfully used as prescribed, alcohol or another intoxicant abuse. This policy is also intended to comply with all applicable Federal regulations governing drug free workplaces.

SECTION 3. APPLICABILITY

This policy applies to all employees regardless of employment status. Visitors and vendors are governed by this policy while on County premises and will not be permitted to conduct business if found to be in violation of this policy.

SECTION 4. DEFINITIONS

Alcohol. The intoxicating agent in beverage alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Screen. A test for the presence of alcohol in the body as determined through the use of a breath alcohol test, evidential breathalyzer test, urine screen or blood screen.

Applicant. A person who completes and submits an application for employment with Alexander County. This term includes a current county employee who applies for another position or a former employee requesting consideration to active status.

Drug. A controlled substance as listed in the Controlled Substances Act (21 USC 812), North Carolina General Statutes or a metabolite thereof.

Drug Screen. A test for the presence of any controlled substance in the body as determined through the use of a urine screen or blood screen.

Employee Requested Testing. An employee who questions the results of a required test under this policy may request the split sample be tested.

Medical Review Officer. A licensed physician who is responsible for receiving and reviewing laboratory results generated by an employer's substance abuse testing program and evaluating medical explanations for certain test results.

NIDA. The National Institute of Drug Abuse recommended drug panel consisting of Amphetamines, Marijuana, Cocaine, Methamphetamines, Opiates, Phencyclidine and MDMA.

On-Call. Being subject to a call to report immediately to work for Alexander County.

On-Duty. When an employee is at the workplace, performing job duties, on-call or during any other period of time for which the employee is entitled to receive pay from Alexander County.

Post-Accident Screening. Testing of employees involved in a motor vehicle accident or an incident requiring medical treatment from a healthcare provider.

Pre-employment Screening. Testing of final candidates for an employment position with Alexander County.

Prescription Drug. A legal drug with written approval of use from a physician. The written approval must include the patient's name, name of substance, quantity to be taken and the period of authorization.

Random Test. Testing of employees assigned to a safety sensitive position chosen by a method providing equal probability that any employee from a group will be selected.

Reasonable Suspicion. Documented observations of probable drug and/or alcohol use, including specific appearance, behavior, speech, body odor or other physical indicators of probable drug or alcohol use. Reasonable suspicion requires training for supervisors of employees who are subject to DOT rules.

Safety Sensitive Position (DOT). The activities defined as safety sensitive by the Federal Highway Administration or Federal Transit Administration USDOT guidelines (49 CFR 382).

Safety Sensitive Position (County). An employee assigned to a position where impairment may cause someone to be at risk of injury; requiring the ability to exercise judgment and not influenced by direct supervision. Safety sensitive functions are primary to the position and include but are not limited to healthcare, telecommunications, emergency response, exposure to chemicals, and the operation and/or repair of vehicles or machinery.

Substance Abuse Professional. A licensed physician or certified psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinic experience in the diagnosis and treatment of drug and alcohol-related disorders.

SECTION 5. PROHIBITED SUBSTANCES

“Prohibited Substances” addressed by this policy include the following:

A) Illegally Used Controlled Substances or Drugs

The use of any illegal drugs or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written for the substance. These include, but are not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP) cocaine, and ecstasy, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration of the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs and use of illegally obtained prescription drugs.

B) Prescription/Over the Counter Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance, carrying a warning label which indicates mental functioning, motor skills or judgment may be adversely affected, must be reported to a supervisor. In addition, employees are responsible for reporting their use of any prescription or over the counter medications to their supervisor. Supervisors must treat this information in a confidential manner. In addition, the employee must obtain a written release from the attending physician releasing the person to perform their job duties any time they obtain a performance-altering prescription.

C) Alcohol

The use of substances containing alcohol includes any mouthwash, food or candy or any other substance which causes alcohol to be present in the body while on-duty is prohibited.

SECTION 6. PROHIBITED CONDUCT

A) Manufacture, Trafficking, Possession, and Use

County employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances. Employees who violate this provision will be discharged and law enforcement shall be notified.

B) Intoxication/Under the Influence

Any employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substances or not fit for duty shall be suspended with pay from job duties pending an investigation. Employees found to be under the influence of prohibited substances or who fail to pass a drug or alcohol test shall be removed from duty and subject to disciplinary action up to and including termination and legal prosecution. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 382, as amended.

C) Alcohol Use

No employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her alcohol concentration is .02 or greater. No employee shall use alcohol while on duty or in uniform. No employee shall use alcohol within four hours of reporting for duty or during on call hours. Violation of these provisions is prohibited and employment will be terminated.

D) Compliance with Testing Requirements

Any employee who refuses to comply with a request for testing or testing procedures shall be removed from duty and their employment terminated. Any employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of these actions will result in the employee's removal from duty and their employment terminated. Refusal can include an inability to provide a sufficient specimen or sample without a valid medical explanation, as well as verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

E) Notifying the County of Criminal Drug/Alcohol Conviction

All employees are required to notify Human Resources of any criminal drug statute conviction or statute for driving under the influence within five days after such conviction. Employees charged with any criminal drug statute or driving under the influence must also report any plea agreement. Employees who have driving as an essential or non-essential duty must report immediately if their license has been suspended temporarily or otherwise. Failure to comply with this provision shall result in disciplinary action, up to and including termination.

F) Proper Application of the Policy

The County is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

SECTION 7. TESTING PROCEDURES

Procedures will be consistent with the procedures put forth in 49 CFR Part 40, as amended. The testing will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the test and the validity of the results. Refusal to comply with testing procedures shall be deemed a positive test and the employee will be removed from duty and their employment terminated.

The test will be considered positive if the amounts present are above the minimum thresholds established in this policy and 49 CFR Part 382, as amended. The test results from the laboratory

will be reported to a Medical Review Officer (MRO). The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive test result. The MRO will contact the employee, notify the employee of the positive test result, and provide the employee with an opportunity to explain the confirmed test result. The MRO will subsequently review the employee's medical history/medical records to determine whether there is a legitimate medical explanation for a positive laboratory result. If no legitimate explanation is found, the test will be verified positive and reported to the County program manager. If a legitimate explanation is found, the MRO will report the test result as negative.

SECTION 8. TESTING METHODS

A) DOT Safety Sensitive Employees

Employees required by their job duties to hold a state issued commercial driver's license will be subject to testing as set forth in 49 CFR Part 40 and Part 382, as amended, without exception.

B) County Safety Sensitive Employees

Employees shall provide a urine specimen for the purposes of alcohol and drug screening. The procedure for obtaining the specimen and verifying the validity of the sample shall be in accordance with the requirements of 49 CFR Part 40.

An employee who has a confirmed alcohol concentration of greater than .02 will be removed from his/her position. The inability to perform duties due to an alcohol test result greater than .02 will be considered an unexcused miss out subject to disciplinary procedures up to and including termination. An alcohol concentration of .02 or greater will be considered a positive alcohol test and in violation of this policy.

Any employee that has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available and referred to a Substance Abuse Professional (SAP). A positive drug and/or alcohol test will also result in termination.

SECTION 8. REQUIRED SUBSTANCE ABUSE SCREENS

A) Pre-Employment

Applicants determined to be final candidates for any employment position, regardless of status, shall undergo drug and/or alcohol test prior to hire. Receipt of a negative drug and alcohol test result is required upon a conditional offer of employment. Failure to comply with testing procedure or a positive result from a pre-employment drug and/or alcohol test will disqualify an applicant for employment for a period of 120 days.

B) Reasonable Suspicion

All employees may be subject to a fitness for duty evaluation and a drug and/or alcohol test when there are reasons to believe drug or alcohol use is adversely affecting job performance.

C) Post Accident

Employees will be tested for the presence of drugs and alcohol following an on-duty accident or other incident involving any of the following:

- A fatality
- An injury to another individual requiring medical attention from a healthcare professional.
- An accident involving a county owned vehicle and the vehicle sustains discernable damage.
- After a sequence of minor accidents or injuries regardless of the need for medical treatment from a healthcare professional.
- Any injury or incident receiving authorized medical treatment from a healthcare professional.
- Another employee who operated the vehicle or whose performance could have contributed to the incident.

Following an accident, the employee(s) will be tested as soon as possible, but not to exceed eight (8) hours. Any employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until the employee undergoes the post-accident test.

Any employee who leaves the scene of the accident without justifiable explanation prior to submission of post-accident testing will be considered to have refused the test and their employment will be terminated.

D) Random

Safety sensitive employees as identified by the County and DOT will be subject to random, unannounced testing. The selection of employees for random testing will be made using a scientifically valid method that ensures each employee will have an equal chance of being selected each time random testing is conducted. Random tests will be unannounced and spread throughout the year.

Tests can be conducted at any time during an employee's shift. Employees are required to proceed immediately to the collection site upon notification of their selection.

E) Return to Duty

Any employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be referred for evaluation by a Substance Abuse Professional (SAP). The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with the prohibited drug use or alcohol misuse. Assessment by a Substance Abuse Professional does not shield an employee from

disciplinary action or guarantee employment or reinstatement. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave and annual leave to participate in the prescribed rehabilitation program when indicated.

In the event an employee returns to duty following a suspension from a positive drug and or alcohol screen, a return to duty test must be negative and the employee must be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to work. Before scheduling the return to duty test, the SAP must assess the employee and determine if the required treatment has been completed.

F) Employee Requested

Any employee who questions the results of a required drug test under this policy may request the split sample be tested. The test must be conducted on the split sample provided by the employee at the same time as the original sample. The employee pays all costs for such testing unless the result of the split sample test invalidates the result of the original test. The method of collecting, storing and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended.

G) Last Chance Clause

Employees who participate in an approved rehabilitation program will be required to undergo frequent, unannounced drug and/or alcohol tests following their return to duty. The follow-up testing will be performed for a period of two years. If the employee tests positive in an unannounced test after returning to duty, the employee will be terminated.

H) Re-employment

An employee who does not pass the drug or alcohol screen and is terminated will not be considered for re-employment for a two year period following the date of the test and then will be considered only when the individual provides documentary proof of successful completion of a treatment/rehabilitation program and the individual passes pre-employment screens.

SECTION 9. EMPLOYMENT ASSESSMENT

Any employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be referred for evaluation by a Substance Abuse Professional (SAP). The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.

Assessment by a Substance Abuse Professional does not shield an employee from disciplinary action or guarantee employment or reinstatement.

SECTION 10. INFORMATION DISCLOSURE

All drug and alcohol testing records will be maintained in a secure manner in an effort to prevent disclosure of information to unauthorized persons.

SECTION 11. TRAINING

All employees will periodically undergo training on the signs and symptoms of drug and alcohol abuse including the effects and consequences of substance use on personal health, safety and the work environment. The training must also include manifestations and behavioral cues that may indicate prohibited substance use or misuse.

SECTION 12. SYSTEM CONTACT

Any questions regarding this policy or any other aspect of the drug free and alcohol-free program should contact the appropriate office (Attachment A).

**ATTACHMENT A
SUPPLEMENTAL INFORMATION**

The attachment provides specific contact information related to the Substance Abuse Policy. The information will be revised periodically to reflect local, state and federal regulations or requirements; is supplemental in form and not intended to substitute as the Substance Abuse Policy.

PROGRAM QUESTIONS:

Program Manager

County Manager
621 Liledoun Road
Taylorsville, NC 28681
Telephone Number: (828) 632-9332
Fax Number: (828) 632-0059

Assistant Program Manager

Human Resources Director
621 Liledoun Road
Taylorsville, NC 28681
Telephone Number: (828) 632-1132
Fax Number: (828) 632-0059

Medical Review Officer (Post Accident)

Urgent Care of Mountain View - Taylorsville
60 2nd Ave., SW
Taylorsville, NC 28681
Telephone Number: (828) 330-2103

Substance Abuse Professional

The Counseling Group, Inc.
106 Third Ave NE
Hickory, NC 28601
Telephone Number: (828) 322-9130
Fax Number: (828) 322-7890

POST-ACCIDENT DRUG AND ALCOHOL SCREENING FACILITIES:

8am to 5pm:	Urgent Care of Mountain View - Taylorsville
5pm to 8am:	Frye Regional Medical Center or Iredell Memorial Hospital

ARTICLE XV E-MAIL, INTERNET & COMPUTER RESOURCES POLICY

SECTION 1. PURPOSE

This policy covers the use of electronic technology resources belonging to, or used by Alexander County. It includes, but is not limited to, all computer systems, software, network resources, fax machines, cell phones and internet resources. All technology resources owned by Alexander County are County property and are in place to enable the County to provide its services in a timely and efficient manner. This is the primary function of these resources and any activity or action that interferes with this purpose is prohibited. Because technology systems are constantly evolving, Alexander County requires its employees to use a common sense approach to the rules set forth below, complying not only with the letter, but also the spirit, of this policy.

SECTION 2. DEFINITIONS

Electronic technology resources include, but are not limited to, host computers, files servers, routers, firewalls, switches, hubs, modems, workstations, standalone computers, laptops, printers, scanners, software, internal or external data communication networks, cell phones and fax machines.

Users as used in this policy, refers to all employees, elected and appointed officials, independent contractors and other person or entities accessing or using any of Alexander County's electronic technology resources.

E-mail is the ability to compose and distribute messages, documents, files, software, or images by electronic means over a phone line or network connection. This includes internal and external e-mail and instant messaging systems.

Software is the computer programs that reside on any type computer or electronic devise including equipment control systems to perform a desired function. It encompasses programs provided by the manufacturer, a vendor or developed by in-house staff.

Network-resources include the hardware and software necessary to connect computers and resources into a communication system.

Internet is the worldwide network of computer servers that allows access to the public through the use of special languages.

SECTION 3. SCOPE

This policy shall apply to all persons, whether employees, independent contractors or agents of the County, or otherwise, who use the County's electronic technology resources, excluding public access users utilizing designated public access computers. All persons using Alexander County's electronic technology resources must comply with all software licenses, copyright laws, and all other State and Federal laws governing intellectual properties. Authorization to use the County's

e-mail systems and access the Internet will be granted by the County Manager, or designee, on an as-needed basis.

SECTION 4. OWNERSHIP AND PRIVACY EXPECTATIONS

All technology resources and all information transmitted by, received from and stored on Alexander County systems are the property of Alexander County and as such, are subject to inspection by County officials. **Employees using the electronic technology resources of Alexander County for communication DO NOT HAVE AN EXPECTATION OR RIGHT OF PRIVACY.** Alexander County has the right to audit and monitor the information on all systems, electronic mail and information stored on computer systems or media, without advanced notice. This might include investigation of theft, unauthorized disclosure of confidential business or proprietary information, personal abuse of the system or monitoring workflow and productivity.

- A) E-mail created, sent, or received through the use of any County owned resource is property of Alexander County, not its employees.
- B) Users can have no expectations or rights of privacy in anything they create, send, store, or receive on any County owned electronic technology resource. The recipient of a message may forward it to any number of other parties. E-mail may become evidence in legal cases. A good rule is to compose e-mail with the expectation that it will become public.
- C) Do not use e-mail for confidential communications without approval by the County Manager or his designee.
- D) The County owns software that will be used to monitor Internet sites visited.
- E) County Information Technology personnel will be the System Administrator for all servers attached to the County Network.
- F) Because the Internet is used as a part of a work activity, the County's code of conduct applies to network activities as well. Therefore, the procedures in the policy are an extension of the Alexander County's Personnel Policy.

SECTION 5. POLICY VIOLATIONS

The following are example of violations of this policy but are not limited to, the following:

- A) Solicit or advertise for personal or commercial gain;
- B) Solicit or advertise for outside organizations, religious, charitable or political causes; (Exceptions may be made for organizations such as United Way and other like agencies with prior approval from the Human Resource Director)
- C) Create, send, view, fax, store messages and/or websites that may reasonably be regarded as offensive, obscene, disruptive, illegal, fraudulent, profane, embarrassing or libelous. These include information that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability or religious or political beliefs. Users encountering or receiving such material should immediately report the incident to their Supervisor.
- D) To send or receive by any means copyrighted materials, proprietary information or similar materials without express authorization from the author;

- E) Send or forward e-mail or fax materials either internally or externally, without identifying themselves clearly and accurately. Anonymous or pseudonymous posting is expressly forbidden.
- F) Attempt to access another employee's e-mail without permission;
- G) Use another employee's access code to view, alter, or distribute information without the express authorization of that employee.
- H) Use County electronic technology resources to access and use sensitive or confidential information in a manner not originally intended;
- I) Load employee owned or non-County purchased software on County
- J) Electronic technology resources, whether intended for legitimate business matters, personal purposes, or amusement; this includes shareware, freeware, personal software, stealth ware (programs that hide the user's use of the computer) or Internet distributed programs.
- K) Load County owned software on County electronic technology resources without clearance from the Information Technology Department; this includes shareware, freeware, personal software or Internet distributed programs.
- L) Alter, add or remove any County technology resource without clearance and approval from the Information Technology Department;
- M) Perform System Administrator functions on servers attached to the County network;
- N) Download files from any source and not scan for viruses; this includes files obtained as e-mail attachments or by any other file transfer mechanism. It is the responsibility of County employees to take prudent steps to prevent the introduction or propagation of viruses.
- O) Use electronic resources in any illegal, malicious or inappropriate manner;
- P) Transmit confidential personnel information using E-mail systems or the fax machine.
- Q) Use of personal software without the approval of Information Technology Director.

If Alexander County determines that an employee has used electronic technology resources in a manner that violates this policy or other State or Federal law, the violation may result in disciplinary action up to and including termination, as outlined in Article X of the Alexander County's Personnel Policy.

SECTION 6. PERSONAL USE

Personal use of Alexander County's electronic technology resources is allowed with the following restrictions:

- A) Employees should be aware that personal use of a County technology resource is still subject to all rules in this policy including inspection and monitoring.
- B) There must be no cost to the County.
- C) Use must be conducted on an employee's own time during lunch and breaks.
- D) Use must not interfere with other employees performing their jobs or undermine the use of County resources for official business.
- E) Use of County's electronic technology resources for operating a personal business is prohibited.
- F) Individuals who are not employees of Alexander County (including an employee's family or friends) are not allowed to use the County's electronic technology resources.

- G) Personal use of the County's electronic technology resources neither expresses nor implies sponsorship endorsement by Alexander County.
- H) Sending or forwarding of jokes, chain letters or large images is prohibited
- I) All personal use of County electronic technologies must not be used in any other manner that may be construed as harassment or discrimination.

SECTION 7. APPROPRIATE USE

At all times when an employee is using Alexander County electronic technology resources, he or she is representing the County. Use the same good judgment in all resource use that you would use in written correspondence or in determining the "appropriate conduct". Alexander County employees are expected to use County provided electronic technology resources responsibly and professionally.

Alexander County is not responsible for the actions of individual users. This policy may be amended or revised periodical as the need arises. Failure to follow guidelines as set forth in this policy will result in disciplinary action up to and including termination.