



# **Randolph County Employee Policies and Procedures Manual**

**Adopted by Resolution: March 10, 2014  
Effective Date: April 1, 2014**

**Amended by Resolution: November 7, 2016  
Effective Date: December 1, 2016**

<b>INTRODUCTION</b> .....	<b>7</b>
SECTION 1. POLICY STATEMENT .....	7
SECTION 2. EFFECTIVE DATE.....	7
SECTION 3. EMPLOYMENT-AT-WILL POLICY .....	8
SECTION 4. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT.....	8
<b>ARTICLE I: ORGANIZATION OF HUMAN RESOURCES SYSTEM</b> .....	<b>9</b>
SECTION 1: PURPOSE.....	9
SECTION 2: COVERED EMPLOYEES .....	9
SECTION 3: DEFINITIONS .....	9
SECTION 4: ROLES AND RESPONSIBILITIES.....	11
<i>County Manager</i> .....	11
<i>Human Resources Director</i> .....	11
<i>County Employees</i> .....	11
SECTION 5. PUBLIC RECORD REQUESTS FOR PERSONNEL FILE INFORMATION .....	12
SECTION 6. CONFIDENTIAL EMPLOYEE INFORMATION/ACCESS TO PERSONNEL RECORDS .....	12
SECTION 7. PENALTIES FOR VIOLATING PERSONNEL RECORD CONFIDENTIALITY GUIDELINES.....	13
SECTION 8. DESTRUCTION OF PERSONNEL RECORDS.....	14
SECTION 9. REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN FILE.....	14
<b>ARTICLE II. CLASSIFICATION PLAN</b> .....	<b>15</b>
SECTION 1. POLICY STATEMENT AND ADOPTION.....	15
SECTION 2. DEFINITIONS .....	15
SECTION 3. ALLOCATION OF POSITIONS.....	15
SECTION 4. ADMINISTRATION OF THE POSITION CLASSIFICATION PLAN .....	15
SECTION 5. AMENDMENT OF POSITION CLASSIFICATION PLAN.....	16
<b>ARTICLE III. THE PAY PLAN</b> .....	<b>18</b>
SECTION 1. ADOPTION.....	18
SECTION 2. DEFINITIONS .....	18
SECTION 3. ADMINISTRATION .....	19
SECTION 4. HIRING RATE/STARTING SALARY.....	19
SECTION 5. SALARIES BELOW MINIMUM .....	19
SECTION 6. SPECIAL CONSIDERATION'S - SHERIFF'S OFFICE .....	20
SECTION 7. PAYMENT AT A LISTED RATE.....	20
SECTION 8. PAY RATES IN PROMOTION, DEMOTION, TRANSFER, AND RECLASSIFICATION .....	20
SECTION 9. PAY RATES IN SALARY RANGE REVISIONS.....	21
SECTION 10. OVERTIME—FAIR LABOR STANDARDS ACT .....	22
SECTION 11. EMERGENCY PAY .....	23
SECTION 12. PAYROLL DEDUCTIONS.....	23
SECTION 13. CALLBACK PAY .....	23

SECTION 14. PAYROLL PROCEDURE.....	24
SECTION 15. EFFECTIVE DATE OF SALARY ADJUSTMENTS .....	24
SECTION 16. IMPROPER OR UNLAWFUL DEDUCTIONS FROM PAY .....	24
<b>ARTICLE IV: RECRUITMENT AND INITIAL EMPLOYMENT.....</b>	<b>26</b>
SECTION 1. POSITION VACANCY POSTINGS .....	26
<i>Internal Postings</i> .....	26
<i>External Postings</i> .....	26
<i>Positions Filled Without a Posting</i> .....	26
SECTION 2. APPLICATION PROCESS.....	26
SECTION 3. QUALIFICATIONS STANDARDS .....	27
SECTION 4. APPOINTMENTS.....	27
SECTION 5: PROBATIONARY PERIOD OF EMPLOYMENT .....	29
<i>Full-time / Part-time Employees</i> .....	29
<i>Office of State Human Resources Employees</i> .....	29
<i>When a Probationary Period is Required</i> .....	29
<i>Benefits</i> .....	29
<i>Dismissal</i> .....	30
<b>ARTICLE V: CONDITIONS OF EMPLOYMENT.....</b>	<b>31</b>
SECTION 1. DEFINITIONS .....	31
SECTION 2. WORKWEEK .....	32
SECTION 3. AMERICANS WITH DISABILITIES ACT (ADA) .....	32
<i>Definitions</i> .....	32
<i>Process for Requesting Reasonable Accommodation</i> .....	34
<i>Responsibilities</i> .....	35
SECTION 4. WHISTLEBLOWER POLICY .....	36
<i>Reporting Responsibility</i> .....	36
<i>No Retaliation</i> .....	37
<i>Reporting Procedure</i> .....	37
<i>Compliance Officer</i> .....	37
<i>Accounting and Auditing Matters</i> .....	37
<i>Acting in Good Faith</i> .....	37
<i>Confidentiality</i> .....	37
<i>Handling of Reported Violations</i> .....	38
SECTION 5: GIFTS AND FAVORS.....	38
SECTION 6. POLITICAL ACTIVITY RESTRICTED .....	38
SECTION 7: CONFLICT OF INTEREST .....	39
SECTION 8. OUTSIDE EMPLOYMENT.....	39
SECTION 9. LIMITATION OF EMPLOYMENT OF RELATIVES.....	39
SECTION 10. REMOTE COMPUTER ACCESS .....	40
SECTION 11. DATING RELATIONSHIPS.....	40
SECTION 12. UNLAWFUL WORKPLACE HARASSMENT/DISCRIMINATION.....	41
SECTION 13. UNLAWFUL WORKPLACE HARASSMENT/DISCRIMINATION COMPLAINT PROCEDURE.....	42
<i>Employees Subject to the State Human Resources Act</i> .....	43
SECTION 14. EMPLOYEE PERFORMANCE EVALUATIONS .....	43

SECTION 15. DRUG-FREE WORKPLACE POLICY .....	44
SECTION 16. DRUG AND ALCOHOL TESTING POLICY .....	45
Purpose and Scope of Policy .....	45
Applicability.....	46
Definitions .....	46
Prohibited Substances/Conduct.....	47
Pre-Employment Testing.....	49
Reasonable Suspicion Testing.....	50
Post-Accident Testing.....	51
Random Testing .....	51
Return to Duty Testing.....	52
Follow-Up Testing.....	52
Refusal to Submit to Test.....	52
Consequences of Positive Test .....	53
Reporting Convictions.....	53
Employee Responsibilities.....	54
Confidentiality and Compliance with Law .....	55
SECTION 17. WORKPLACE VIOLENCE PREVENTION POLICY .....	55
Objective.....	55
Scope of Policy .....	55
Procedures .....	55
SECTION 18. SEVERE WEATHER AND EMERGENCY CONDITIONS .....	57
Notification of County Operational Status.....	57
Reporting For Work .....	58
Compensation and Record Keeping .....	58
Absences During Severe Weather or Emergency Events when the County is Operating Under a Normal Work Schedule .....	59
SECTION 19. RANDOLPH COUNTY IDENTIFICATION (ID) BADGE POLICY.....	60
Procedures .....	60
Badge Log and Design .....	60
Badge Content .....	61
Issuing Identification Badges and Replacements .....	61
Displaying Identification Badges.....	61
Care and Use of Identification Badges.....	62
SECTION 20. SEARCH AND SEIZURE OF COUNTY PROPERTY .....	62
<b>ARTICLE VI: LEAVE POLICIES.....</b>	<b>63</b>
SECTION 1. HOLIDAYS .....	63
Holiday Pay - Generally.....	63
Holiday Pay – FMLA Considerations.....	63
Holiday Pay - General Leave Considerations.....	63
Working on a Holiday .....	64
Reduced Full-time Schedule Holidays .....	64
SECTION 2. LEAVE ACCRUALS .....	64
Eligibility to Receive Accruals while Working .....	64
Eligibility to Receive Accruals while on Leave of Absence .....	64
Advancement of Leave .....	64
Order in Which Leave Must be Taken.....	64
SECTION 3. VACATION LEAVE.....	64
Accrual Schedule .....	65

Maximum Accumulation .....	65
Religious Observances .....	65
Approval/Manner of Taking Leave.....	65
Accrued Leave Payment Upon Separation of Employment .....	65
Payment for Vacation Leave Upon Death .....	66
Previous Leave Credit.....	66
Leave Records .....	66
<b>SECTION 4. SICK LEAVE .....</b>	<b>66</b>
Maximum Accumulation .....	67
Physician's Certificate.....	67
Retirement Credit for Accumulated Sick Leave.....	68
Transfer from Other Agencies/Entities.....	68
Sick Leave Credit for Reinstated Employees .....	68
<b>SECTION 5. PERSONAL DAY LEAVE.....</b>	<b>68</b>
<b>SECTION 6. FAMILY MEDICAL LEAVE ACT (FMLA) .....</b>	<b>69</b>
Eligible Employees .....	69
Spouses employed by Randolph County .....	70
Definitions .....	70
Effect of Holidays on FMLA Leave.....	72
Intermittent Leave or Reduced Work Schedule .....	72
Responsibilities.....	73
Light or Transitional Duty Under FMLA.....	74
Certification.....	74
Employment and Benefits Protection .....	75
Conflict of Provisions.....	76
<b>SECTION 7. BEREAVEMENT LEAVE.....</b>	<b>76</b>
<b>SECTION 8. LEAVE FOR PARENTAL/GUARDIAN INVOLVEMENT IN SCHOOLS .....</b>	<b>76</b>
<b>SECTION 9. GENERAL LEAVE OF ABSENCE (NON-FMLA LEAVE) .....</b>	<b>77</b>
Return to Work.....	78
<b>SECTION 10. LEAVE WITHOUT PAY .....</b>	<b>78</b>
<b>SECTION 11. WORKERS' COMPENSATION LEAVE.....</b>	<b>78</b>
Adverse Reactions to Smallpox Vaccinations (Session Law 2003-169) .....	79
<b>SECTION 12. MILITARY LEAVE FOR TRAINING .....</b>	<b>80</b>
<b>SECTION 13. CIVIL LEAVE .....</b>	<b>80</b>
<b>SECTION 14. SHARED LEAVE POLICY .....</b>	<b>80</b>
Purpose .....	80
Eligibility.....	80
Donation Procedure.....	81
Solicitation Procedure .....	81
<b>ARTICLE VII: EMPLOYEE BENEFITS .....</b>	<b>82</b>
<b>SECTION 1. GROUP LIFE/HEALTH INSURANCE .....</b>	<b>82</b>
Group Life Insurance .....	82
Employee Group Health Insurance .....	82
Retiree Group Health Insurance.....	82
County Commissioner Group Health Insurance .....	84
<b>SECTION 2. RETIREMENT BENEFITS.....</b>	<b>85</b>
North Carolina Local Governmental Employees' Retirement System (NCLGERS).....	85
NCLGERS Special Separation Allowance for Sworn Law Enforcement Officers .....	86
Supplemental Retirement Income Plans – 401k, 457 plans .....	86

SECTION 3. OTHER ANCILLARY BENEFITS OFFERED .....	87
SECTION 4. BENEFITS REQUIRED BY LAW .....	87
SECTION 5. EMPLOYEE ASSISTANCE PROGRAM (EAP) .....	87
SECTION 6. SERVICE AWARDS .....	88
<i>Service Credit and Eligibility</i> .....	88
SECTION 7. RETIREMENT RECOGNITION .....	88
SECTION 8. MODIFICATION OF BENEFITS .....	88
<b>ARTICLE VIII: DISCIPLINARY ACTIONS, SEPARATIONS AND REINSTATEMENT .....</b>	<b>89</b>
SECTION 1: GENERAL PROVISIONS .....	89
SECTION 2: CONFLICT RESOLUTION .....	89
SECTION 3: DEFINITIONS .....	89
<i>Adverse Action</i> .....	89
<i>Just Cause Defined</i> .....	90
SECTION 4. TYPES OF DISCIPLINARY ACTIONS .....	91
<i>Verbal Warning</i> .....	91
<i>Written Warning</i> .....	91
<i>Suspension With Pay</i> .....	92
<i>Suspension Without Pay</i> .....	93
<i>Demotion</i> .....	94
<i>Dismissal for Unsatisfactory Job Performance</i> .....	95
<i>Dismissal for Grossly Inefficient Job Performance or Unacceptable Personal Conduct</i> .....	95
<i>Dismissal Procedures</i> .....	95
SECTION 5. SEPARATIONS OTHER THAN DISMISSAL .....	97
<i>Resignation in Good Standing</i> .....	97
<i>Resignation Not in Good Standing</i> .....	97
<i>Reduction-In-Force</i> .....	98
<i>Disability</i> .....	98
<i>Retirement</i> .....	98
<i>Death</i> .....	98
SECTION 6. REINSTATEMENT.....	99
<b>ARTICLE IX: GRIEVANCE PROCEDURE.....</b>	<b>100</b>
SECTION 1: DEFINITIONS .....	100
SECTION 2. GRIEVANCE FOR ADVERSE ACTION .....	100
SECTION 3. EMPLOYEES SUBJECT TO STATE HUMAN RESOURCES ACT .....	101
SECTION 4. MAINTENANCE OF GRIEVANCE RECORDS .....	102

# **INTRODUCTION**

## **SECTION 1. POLICY STATEMENT**

The Board of County Commissioners believes that the County should be a model employer for the community, setting operating objectives and management practices to assure maximum productivity and service to the community for each public dollar spent. These practices include selecting County employees on the basis of merit and fitness and providing working conditions and training and development opportunities to maximize employee potential in providing services. This Policy is established under the authority of Chapter 153A-Article 5 and Chapter 126 of the General Statutes of North Carolina.

In the event that any Article, Section, paragraph or provision of this Policy is held to be void or unenforceable under any law, regulation or court ruling, all other Articles, Sections, paragraphs and provisions hereof shall remain enforceable in full force and effect.

These are the official written personnel policies of the County.

These policies and procedures cannot alter, modify, or otherwise change any controlling legal documents, rules or General Statutes in any way nor can any right accrue by reason of any statement or omission of any statement in this document, except as specifically stated.

## **SECTION 2. EFFECTIVE DATE**

The Randolph County Employee Policies and Procedures Manual was adopted by Resolution on March 10, 2014 and became effective April 1, 2014. This Policy and Procedures Manual superseded and replaced the Personnel Ordinance adopted January 1, 2004. This Policy was amended by resolution on November 7, 2016 with an effective date of December 1, 2016.

Certain policies contained within were originally adopted as standalone policies at an earlier date. Whenever this is the case, a notation will be made under the policy heading such as: *“Adopted by the Board of County Commissioners as a standalone policy on (insert date). Policy was incorporated into the Randolph County Employee Policies and Procedures Manual effective April 1, 2014.”*

In addition, as policies change, but mandate a “grandfather status” for certain groups of employees, such grandfather status will be noted in the heading of the policy section such as: *Retiree’s Health Insurance Benefits Policy, Modified 10/3/11. Employees hired*

*on or before 10/3/11 are grandfathered into the provision of the previous policy. See Human Resources for a copy of the policy in effect prior to 10/3/11.*

### **SECTION 3. EMPLOYMENT-AT-WILL POLICY**

Randolph County does not offer tenured or guaranteed employment. Either the County or the employee may terminate the employment relationship at any time, with or without cause, with or without notice. This at-will employment relationship exists regardless of any other written statements or policies contained in this Policy Manual or any verbal statement to the contrary. This policy of employment-at-will may not be modified by any employee and shall not be modified in any publication or document. No entity except the Board of Commissioners can enter into any kind of employment relationship or agreement that is contrary to the previous statement. To be enforceable, the arrangement reflecting such relationship or agreement must be in writing; having first been lawfully adopted by the Board and lawfully executed by the County.

### **SECTION 4. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

Randolph County maintains an equal employment opportunity policy and does not discriminate in hiring practices or terms and conditions of employment. All applicants and employees receive equal employment opportunities and all personnel decisions, actions and conditions affecting employees, including, but not limited to assignment, transfer, promotion and classification will be governed by the principles of equal opportunity. Employment decisions (recruitment, examination, appointment, training, promotion, retention or discipline) are made without regard to age, race, sex, religion, color, national origin, political affiliation, or disability.

# **ARTICLE I: ORGANIZATION OF HUMAN RESOURCES SYSTEM**

## **SECTION 1: PURPOSE**

The purpose of this Policy is to establish a Human Resources system which will promote a fair and effective means of employee recruitment and selection; develop and maintain an effective and responsible work force; promote understanding, cooperation, equal treatment, and efficiency; and provide the means for removal of unsatisfactory employees.

## **SECTION 2: COVERED EMPLOYEES**

All employees in the County's service shall be subject to this Policy, except as provided in this section. The following are exempt from this Policy:

1. Elected Officials
2. County Manager
3. County Attorney
4. Consultants
5. Contractors
6. Volunteers
7. State Employees of the North Carolina Cooperative Extension Service

The following employees are covered only by the specifically designated Articles and Sections:

- Health and Social Services employees are subject to all provisions of this Policy except those that conflict with North Carolina G.S. 126 or rules and regulations as established by the State Human Resources Commission.
- The Supervisor of Elections shall be subject to all Articles except Articles IV, VIII, and IX.

## **SECTION 3: DEFINITIONS**

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

**Full-time Employee/Position.** A position approved by the Board of County Commissioners in which the duties and responsibilities are required on a continuous basis for an indefinite duration requiring full-time employment of an individual. The actual hours worked

average 30 or more hours per week. Full-time employees are eligible to receive all County offered benefits.

**Immediate family member.** An employee's spouse, parent, child(ren), sibling, grandchild(ren) and grandparent. Adopted, half, in-law and step members are also included in immediate family.

**Part-time Benefitted Position/Employee.** A position approved by the Board of County Commissioners in which the duties and responsibilities are required on a continuous basis for an indefinite duration requiring part-time hours averaging between 19.23 hours per week to no more than 29 hours per week. A part-time benefitted employee is eligible to and shall participate in the North Carolina Local Governmental Employees' Retirement System (NCLGERS) and is also eligible to participate in the 401(k) and 457 Deferred Compensation retirement plans. No other benefits are offered, and a part-time benefitted employee has no appeal rights.

**Part-time Auxiliary Employee/Position.** A part-time auxiliary position may be created and approved by the Board of County Commissioners or by the County Manager (or his designee); provided, however, that the County Manager (or his designee) may only approve such a position when funds are available in a department's budget for this purpose. These positions are established to provide auxiliary coverage for a specific department. An auxiliary position is not eligible for any County benefits and has no appeal rights. An employee in this positions works no more than 19.23 hours per week (less than 1,000 hours annually). An auxiliary employee works on an as needed basis to supplement the work of a department. Unless created/approved by the Board of County Commissioners, an auxiliary position may be removed at any time.

**Probationary Employee.** An employee hired into a full-time or part-time position who has not yet completed the probationary period of employment, as defined in Article IV, Section 5 of this policy.

**Regular Status.** An employee achieves regular status when he/she has successfully completed his/her probationary period.

**Temporary Employee/Position.** An employee in a position which the duties and responsibilities are required for less than (12) months and who will work an average of less than 30 hours per week. Under no circumstance will a temporary employee average 30 hours or more hours per week in a 52 week period. Temporary employees may be approved by the County Manager; provided, however, that the County Manager (or his designee) may only approve such a position when funds are available in a department's budget for this purpose. Temporary employees have no benefits and no appeal rights.

## **SECTION 4: ROLES AND RESPONSIBILITIES**

It is the responsibility of the Board of Commissioners to approve human resources policies, including the classification plan and salary schedule, and make and confirm appointments when so specified by law.

### **County Manager**

It is the responsibility of the County Manager to administer the human resources program. The duties and responsibilities of the County Manager in administering the human resources program are primarily to appoint, suspend and remove all County officers and employees, except those elected by the people or whose appointment is otherwise provided for by law, in accordance with Chapter 153A-82 of the General Statutes of the State of North Carolina. The County Manager may either perform the human resources functions him/herself or appoint a Human Resources Director as his/her designee. Human Resources functions include the preparation and maintenance of the human resources policies and procedures, the position classification plan and the salary schedule, and the performance of such other duties in connection with the human resources program as the County Commissioners and County Manager shall require.

### **Human Resources Director**

It is the responsibility of the Human Resources Director to apply, interpret and carry out the policy and procedures adopted as directed by the County Manager and as defined in the Human Resources Director job description.

### **County Employees**

It is the responsibility of all county employees to comply with the content of this Policy Manual. Other responsibilities are, but not limited to, the following:

- A. Maintaining a neat, well-groomed and appropriate business appearance while on duty for the County;
- B. Reporting to work on time and notifying the Supervisor as soon as possible when late arrival is necessary;
- C. Reporting to work physically, mentally and emotionally prepared to do his/her job in a professional manner;
- D. Conducting themselves in a professional, business-like manner, avoiding loud or disruptive behavior or discussing personal problems within the hearing range of visitors;
- E. Handling their personal issues in private and not permitting personal obligations to extend to the business premises;

- F. Behaving in a manner that engenders mutual respect and treating each other and the public with courtesy and civility regardless of position or status. This is true even in situations of high pressure and urgency;
- G. Following safety and health practices in the performance of their duties and responsibilities, and adhering to operational requirements and training as provided;
- H. Striving to perform duties and responsibilities more effectively every day, learning more about the work and how to improve by asking questions and reading related materials, and submitting ideas for suggested improvements to the Supervisor and/or Department Head;
- I. Accessing confidential information for work purposes only and protecting any confidential information received.
- J. Presenting a positive public image for Randolph County and its services by serving the public in a professional way that projects courtesy and a helpful attitude;
- K. Conducting themselves as law abiding, ethical citizens;
- L. Resolving problems and conflicts by going to the person responsible, ensuring that departmental problems remain within the Department and not become gossip;
- M. Reporting to the Department Head or Human Resources Director inappropriate, illegal, or unethical behaviors such as safety violations, discriminatory actions, unlawful workplace harassment, etc. Employees making such reports shall be afforded protection (see Whistleblower Policy).

## **SECTION 5. PUBLIC RECORD REQUESTS FOR PERSONNEL FILE INFORMATION**

Except for disclosures to authorized persons processing personnel actions, all disclosures shall be accounted for by keeping a written record of the following information: name of employee, information disclosed, and date information was requested. This information must be retained in accordance with the County's records retention and Disposition Schedule. Upon request, records of disclosure shall be made available to the employee to whom it pertains. Any costs associated with copying personnel records will be charged to the requesting party.

## **SECTION 6. CONFIDENTIAL EMPLOYEE INFORMATION/ACCESS TO PERSONNEL RECORDS**

All personnel records are maintained by the Human Resources department. All information contained in the employee's personnel files, other than the information subject to public record as defined by general statute will be maintained as confidential in accordance with statute requirements and shall be open to inspection only in the following instances: *(Former employees are subject to the same access guidelines listed below.)*

- a. The employee or his duly authorized agent may examine all portions of his personnel file, except letters of reference solicited prior to employment and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient. This is not kept in the personnel file, but in a confidential file.
- b. A licensed physician may examine the employee's medical record when authorized in writing by the employee to do so.
- c. A County employee having supervisory authority over the employee may examine all material in the employee's non – confidential personnel file.
- d. By order of a court of competent jurisdiction, any person may examine all material in the employee's non – confidential or confidential 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 non-confidential personnel file when such information is deemed by the County Manager 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, unless divulged pursuant to court order as provided in Item d above.

Each individual requesting access to confidential information will be required to submit satisfactory proof of identity. A record shall be made of each disclosure and placed in the employee's file (except of disclosures to the employee and the supervisor).

Human Resources maintains a separate personnel file for all employees which may include the following sensitive and confidential information: drug screen chain of custody forms and background screen results. The confidential folder is available only to Human Resources and the employee or in accordance with item (d) above.

## **SECTION 7. PENALTIES FOR VIOLATING PERSONNEL RECORD CONFIDENTIALITY GUIDELINES**

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, shall be subject to disciplinary action up to and including dismissal and may be prosecuted under applicable North Carolina criminal statutes.

Any public official or employee, not specifically authorized to have access to a personnel file, who knowingly and willfully examines it in its official filing place, or removes or copies any portion of a personnel file shall be subject to disciplinary action up to and including dismissal and may be prosecuted under applicable North Carolina criminal statutes.

### **SECTION 8. DESTRUCTION OF PERSONNEL RECORDS**

No public official or employee may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with the County's Records Retention and Disposition Schedule. Any public official or employee who unlawfully removes a public record from the office where it is usually kept, or who alters, defaces, mutilates or destroys it shall be subject to disciplinary action up to and including dismissal and may be prosecuted under applicable North Carolina criminal statutes

### **SECTION 9. REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN FILE**

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

## **ARTICLE II. CLASSIFICATION PLAN**

### **SECTION 1. POLICY STATEMENT AND ADOPTION**

All positions covered in the classification plan are classified according to their duties, responsibilities, qualifications and other related factors. The classification plan is reviewed and updated annually. The Board of County Commissioners adopts the classification plan annually.

### **SECTION 2. DEFINITIONS**

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

**Position (aka job description).** A group of current duties and responsibilities, assigned by competent authority, requiring full- or part-time employment.

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

**Reclassification.** The reassignment of an existing position from one class to another based on changes in job content such as duty, kind, difficulty, required skill, and responsibility of the work performed.

### **SECTION 3. ALLOCATION OF POSITIONS**

Upon recommendation of the Human Resources Director, the County Manager shall allocate each position covered by the classification plan to its appropriate class and pay grade in the plan.

### **SECTION 4. ADMINISTRATION OF THE CLASSIFICATION PLAN**

**The Human Resources Director**, as the County Manager's designee, shall be responsible for the administration and maintenance of the classification plan to accurately reflect the duties performed by employees in the classes to which their positions are allocated. Upon classification, each position shall be assigned to a pay grade in the classification plan.

**Department Heads** shall be responsible for bringing to the attention of the Human Resources Director the need for new positions and/or any material changes in the nature

of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions.

## **SECTION 5. AMENDMENT OF POSITION CLASSIFICATION PLAN**

The classification plan may need to be amended as time passes to meet the changing needs of the County organization. Classes, grades and pay ranges, as well as positions within classes, grades and pay ranges, may need to be added to or deleted from the plan. Furthermore, it may be necessary to reclassify existing positions. The procedures and approvals necessary for effecting such changes are outlined below.

### A. Addition or Deletion of Classes

1. Addition of Classes—When a Department Head believes that a new class is needed, either to add a new type of work or to reflect additional levels of work within an existing series of classes, he shall furnish the Human Resources Director with a written statement of proposed duties for the new class, along with any other information deemed necessary. The Human Resources Director shall review this information to see where the new class would fit within the classification plan. Once this is done, the Department Head or the Human Resources Director can present the request for the addition of the class, along with the number of new positions needed within this class, to the Board of County Commissioners for approval.
2. Deletion of Classes—From time to time, a review of the classification plan may reveal that a given class is no longer necessary. When this occurs, the Human Resources Director may present the Board of County Commissioners with a request to delete the unnecessary class.

### B. Addition or Deletion of Positions

1. Addition of Position Within Existing Class—When a Department Head determines that he needs a new position within an existing class, he should consult with the County Finance Director regarding the source of compensation for the new position. After doing so, the Department Head may present the request for the new position to the Board of Commissioners for approval.
2. Deletion of Position Within Existing Class—When a Department Head determines that a position should be deleted from an existing class, he should consult with the County Finance Director before doing so. The position may be deleted by the Human Resources Director with approval from the County Manager.

### C. Reclassification of Positions

1. When a Department Head believes that a given position needs a new job description due to substantial changes in the level of duties and responsibilities, he shall submit a new detailed job description in writing to the Human Resources Director, along with justifications and recommendations on a completed Position Classification Action Form. Reclassification requests may be presented by a supervisor other than the Department Head, but the Department Head must approve the request prior to forwarding it to Human Resources.
2. The Human Resources Director shall review the recommendation and, within 10 business days, shall approve or disapprove the reclassification of the position to an existing class. If the position does not fit within an existing class, the procedure for the addition of a new class (paragraph A(1) above) should be followed.

# **ARTICLE III. THE PAY PLAN**

## **SECTION 1. ADOPTION**

The pay grades for all classes, as approved by the Board of County Commissioners, are hereby adopted as the pay plan for Randolph County.

## **SECTION 2. DEFINITIONS**

**Demotion.** The reassignment of an employee to a position or classification having a lower salary range than the position or the classification from which the reassignment is made; or the reduction in pay of an employee without also reassigning the employee to a position or classification having a lower salary range.

**Grade.** All positions which are sufficiently comparable to warrant one range of pay rates. For the purpose of this definition, the words "class," "grade," "level" and "range" are used interchangeably.

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

**Merit Increase.** An increase in salary within the same grade, based on meritorious performance of duties.

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

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

**Salary Range.** The minimum and maximum salary levels for a given classification.

**Salary Range Revision.** The raising or lowering of the salary range for one or more specific classes of positions within the pay plan.

**Transfer.** The reassignment of an employee from one position or department to another.

**Work-Against.** An employee who does not meet the specific qualifications of the vacant position and who is hired when suitable qualified applicants are not available. A work-against designation is made to allow the employee to gain the qualifications needed for

the full class through on-the-job experience. The Human Resources Director must approve a work-against hiring.

### **SECTION 3. ADMINISTRATION**

The County Manager shall be responsible for the administration and maintenance of the pay plan.

The Human Resources Director shall make comparative studies of the factors affecting the level of salary ranges and shall recommend such changes as appear to be warranted in order to ensure that the plan:

- is externally competitive;
- maintains proper internal relationships among all positions based on relative duties and responsibilities; and
- recognizes performance as the basis for pay increases within the established salary range.

The classification and pay plan shall meet the requirements of the Office of State Human Resources for those employees subject to G.S. 126.

### **SECTION 4. HIRING RATE/STARTING SALARY**

Hiring rates are determined using multiple factors, including, but not limited to, education and experience required for the position, market conditions, internal equity where applicable and budget constraints. When an applicant meets the minimum requirements, the hiring rate will be the minimum of the grade. When an applicant exceeds the minimum requirements and those requirements are needed for the position, concessions will be allowed to hire that applicant at a higher starting salary than range minimum. Above-the-minimum appointments will be based on such factors as the applicant's qualifications where they exceed the minimum experience requirements for the position and market recruitment conditions such as job market competitiveness, talent pool, etc. Hiring managers must consult with the Human Resources Director to determine hiring rates. Any request to hire at 15% or more above the range minimum must be approved by the County Manager. Any appointment above the mid-point of the salary range may be approved by the County Manager with notice to the Board of County Commissioners.

### **SECTION 5. SALARIES BELOW MINIMUM**

Individuals appointed or promoted to a class when they do not possess all the established requirements for the class, shall be paid at a rate below the minimum of the salary range as determined by the Human Resources Director. These assignments are

referred to as "Work Against" appointments and allow the employee the time necessary to gain the work experience necessary to meet the class requirements. An employee in a work-against status shall continue to receive a reduced salary until the Department Head and the Human Resources Director determine that the individual meets all requirements and is ready to assume the full responsibilities as defined in the job description for the position.

## **SECTION 6. SPECIAL CONSIDERATIONS—SHERIFF'S OFFICE**

With respect to initial hiring rates, the Sheriff's Office has adopted a "New Hire Appointment and Salary Progression" plan that covers the hiring rates of deputies and jailers. As long as the parameters of this plan are followed, the Sheriff's Office is not subject to the limitations contained in Section 4 above. Any intent to hire at a rate outside of these parameters must be approved by the County Manager in accordance with policy.

With respect to internal promotions and transfers, the Sheriff's Office has adopted a "Pay Rates in Promotions and Transfers" plan. As long as the parameters of this plan are followed, the Sheriff's Office is not subject to the limitations contained in Section 8 below. Any intent to promote or transfer at a rate outside of these parameters must be approved by the County Manager in accordance with policy.

## **SECTION 7. PAYMENT AT A LISTED RATE**

All employees covered by the pay plan shall be paid at a listed rate within the salary ranges established for their respective job classes, except for employees in a work against status. When an employee attains the maximum rate of a salary range for his present position, no further salary increase will be received unless the position is reclassified, the employee is promoted to another position with a higher salary range, the salary range for the present position is increased, or the increase is due to an across-the-board cost-of living-salary increase.

## **SECTION 8. PAY RATES IN PROMOTION, DEMOTION, TRANSFER, AND RECLASSIFICATION**

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

- A. When a promotion occurs, if the employee's salary is below the new minimum, it shall be at least increased to the minimum rate of the salary range assigned to the class to which he is promoted. If an employee's current salary is already above the new minimum salary rate, his salary may be increased in accordance with the new

responsibilities being assigned to and required of that employee. Promotional increases, whether to someone whose current salary is below the new range or already within the new range will be determined on a case-by-case basis and will typically fall within a 5-10% increase in salary. Hiring managers must consult with the Human Resources Director to determine promotional increases. Any promotional increase above 15% must be approved by the County Manager, unless the increase is necessary to reach the minimum rate of the salary range for the new position.

- B. An employee who is demoted (voluntary or involuntary) to a position in a class with a lower salary range will have his salary adjusted to be within the salary range of the lower class. If the demoted employee is fully qualified for the new class, the Department Head may recommend to the Human Resources Director and the County Manager that the employee's salary not be decreased, provided the salary does not exceed the maximum of the new salary range. The Human Resources Director and the County Manager will make final determination on the pay level of a demoted employee taking into consideration the qualifications of the employee, the circumstances that caused the demotion and available funding.
- C. When a transfer occurs from a position in one class to a position in another class assigned to the same salary range, the employee shall continue to receive the same salary.
- D. When an employee's position is reclassified to a class having a higher salary range, the employee's salary shall be increased to the minimum of the new salary range. If the employee's current salary is already above the minimum salary rate, his salary may be increased approximately 5% or left unchanged at the discretion of the County Manager, provided that the adjusted salary does not exceed the maximum of the assigned salary range.

## **SECTION 9. PAY RATES IN SALARY RANGE REVISIONS**

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

- A. When a class is assigned to a higher salary grade, employees in that class shall receive a pay increase of approximately 5% or an increase to the minimum of the new range, whichever is higher.
- B. When a class is assigned to a lower salary grade, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum established for the new class,

the salary of the employee shall be maintained at that level until such time as the pay range is increased above the employee's current salary.

## **SECTION 10. OVERTIME—FAIR LABOR STANDARDS ACT**

- A. The County abides by all applicable sections of the Fair Labor Standards Act and all applicable amendments. The County will properly record all applicable overtime accrued for each covered employee. This overtime policy is applicable only to employees of Randolph County who are non-exempt under the Fair Labor Standards Act.
- B. Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work, unless they are scheduled to work, without receiving prior approval from their immediate Supervisor, Department Head, or County Manager, except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or that requires the immediate attention of the employee. Employees who work excess hours because of an emergency shall advise their immediate Supervisor of the overtime worked as soon as practical following completion of the work.
- C. Except when approved to be paid as cash compensation as described in D and F below, non-exempt employees receive compensatory time off at a rate of one-and-one-half (1 ½) hours for each hour of overtime worked in lieu of cash compensation for overtime worked.
- D. The maximum number of compensatory hours that can be accumulated for full-time 40-hour employees is 90 (not more than 60 hours of actual overtime worked.) Eligible employees who qualify for the 7(k) exemption in Public Safety positions may accumulate up to 180 hours (not more than 120 hours of actual overtime hours worked.) Compensatory balances will be reviewed multiple times throughout the year. At any time during the fiscal year, the County Manager has the authority to enforce mandatory payouts of any balance above the maximum allowable hours to be banked. Any payouts must be absorbed within the department's current budget. No extra funds will be made available to cover excessive compensatory time balance payouts during a fiscal year. Excess compensatory balances will not carry over from one fiscal year to the next.
- E. Employees wishing to use accrued compensatory time must make a written request to their immediate Supervisor. Use of such time will be allowed as requested unless the use will unduly disrupt the operations of the County.
- F. Department Heads are responsible for ensuring that overtime hours are duly authorized, recorded, and properly documented for compensatory time off or

overtime pay in accordance with established record-keeping forms and instructions. Department Heads will be responsible for administering their compensatory policies by scheduling employees to take accrued compensatory time in a timely manner so that compensatory hours will not accrue to excessive levels. Employees must use compensatory time before the use of other leave time such as sick, vacation, holiday (Emergency Services and Sheriff's Office) or personal leave. In situations in which compensatory time off is not practical, employees will be paid in cash for overtime; however, overtime cash compensation must be approved by the Human Resources Director and County Manager.

G. Accumulated compensatory time will be paid upon termination of employment and shall be calculated at the average regular rate of pay for the final three years of employment, or the final regular rate received by the employee, whichever is higher.

## **SECTION 11. EMERGENCY PAY**

In the event of a significant disaster or emergency, , the County Manager may authorize emergency pay for essential employees, determined by the Department Heads, to perform emergency work activities beyond their typical work assignments. In these circumstances, the County Manager may approve non-exempt employees under the Fair Labor Standards Act to be paid monetary compensation rather than compensatory time for hours deemed to be overtime. Exempt employees, other than Department Heads, may be authorized for emergency pay on an hour-for-hour basis.

## **SECTION 12. PAYROLL DEDUCTIONS**

Federal and state income taxes, Social Security tax, withholding court-ordered garnishments such as child support payments (upon receipt of appropriate notices to withhold or by other order of a court of competent jurisdiction), and retirement contributions shall be deducted as authorized by law and the Board of County Commissioners. Credit Union deductions, insurance premiums and other deductions requested by the employee not paid by the County may also be deducted. Because these deductions are calculated on the basis of information provided by the employee, it is mandatory that the employees keep the County informed of their personal status for withholding purposes.

## **SECTION 13. CALLBACK PAY**

Any County employee eligible to receive overtime compensation under this policy will be guaranteed a minimum payment of two (2) hours wages for being called back to work outside of normal working hours.

**“Work outside of normal working hours” DOES NOT include:** A prearranged on call schedule. If an employee is “on call” and takes a call for 15 minutes, the employee is paid for 15 minutes. If the employee has to go into the office or to a site for 1.5 hours, the employee is paid for 1.5 hours. Employees do not receive a minimum of 2 hours pay for each on call issue to which they respond.

**“Being called to work outside of normal working hours” DOES NOT include:** Annual Benefits Enrollment meetings, Wellness Fairs, department staff meetings, department trainings, Biometric Screenings, Health Coaching or the like. These are functions of doing business and many are optional. Many of these types of meetings are offered at various times where employees can schedule these during normal working hours. If an employee attends one of the above type meetings on his or her day off, then the employee is paid for the time they are attending, not a minimum of two hours.

**“Work outside of normal working hours” DOES include:** An emergency at a department that requires non exempt staff to respond after the end of the normal working day (and outside of any “on call” responsibilities). Examples of this are a server malfunction that needs an immediate fix or lightening strike to a building and maintenance has to meet officials at the scene.

## **SECTION 14. PAYROLL PROCEDURE**

All salaried and the majority of hourly employees will be paid on a semi-monthly basis with the 15th and the last calendar day of the month as paydays. If a payday falls on a Saturday, Sunday or holiday, employees will be paid on the last working day prior thereto. Some part-time hourly employees are paid on an alternative schedule as established by the Human Resources Director and County Manager.

## **SECTION 15. EFFECTIVE DATE OF SALARY ADJUSTMENTS**

Salary adjustments shall become effective the first day of the next pay period (either the 1st or 16<sup>th</sup> of the month) for promotions, demotions and merit increases. Your annual performance evaluation date will change if you are promoted or demoted.

Hire dates will not change during the course of employment. The County has two hire dates per month: 1<sup>st</sup> and 16<sup>th</sup>. All hire dates will coincide with the 1<sup>st</sup> or 16<sup>th</sup>. Should the 1<sup>st</sup> or 16<sup>th</sup> fall on a weekend or holiday, the actual date will be used (2<sup>nd</sup>, 3<sup>rd</sup> or 17<sup>th</sup>, 18<sup>th</sup>).

## **SECTION 16. IMPROPER OR UNLAWFUL DEDUCTIONS FROM PAY**

Every effort is made to ensure that compensation and pay checks are properly computed and calculated. It is against our policy for any employee's wages to have

improper or unlawful deductions. If you believe that your pay is incorrect or that an improper or unlawful deduction was made to your wages or salary, immediately contact the Human Resources Director and/or the Payroll Specialist. Our payroll department and/or human resources department will investigate the matter, make corrections as appropriate, and make prompt reimbursement as required.

The salaries of employees exempt under the Fair Labor Standards Act, 29 CFR part 541, and pursuant to Federal Regulations 29 Part 541.710, (employment under the rules of public accountability) may be reduced or be subject to deductions only under certain conditions. Supervisors should contact human resources prior to making deductions to an exempt employee's pay to ascertain whether or not the deduction is legal.

# **ARTICLE IV: RECRUITMENT AND INITIAL EMPLOYMENT**

## **SECTION 1. POSITION VACANCY POSTINGS**

Vacant positions should be reviewed by the Department Head and the Human Resources Director to determine if the position is appropriately classified, if the position should be filled and whether a current employee should be promoted to this position.. If the vacancy proceeds to recruitment, the hiring supervisor will work with Human Resources on how the posting and recruitment should be handled.

### ***Internal Postings***

Positions are to be posted internally for five (5) working days for promotional considerations. A copy of the posting should be provided to the Human Resources Department to document the posting. When a vacancy for a position occurs within a department, employees who meet the minimum qualifications may apply for that position. An employee's performance evaluations and all other work records shall be carefully examined in determining if he or she is the best fit for the position.

### ***External Postings***

Positions which are advertised externally shall be advertised (open to recruitment) for a minimum of five (5) working days. When circumstances warrant, the 5 working day internal and external vacancy announcements may be posted concurrently. All positions advertised externally are posted on the County website and with the local office of the North Carolina Division of Employment Security and as determined appropriate, advertised through the media, schools, and professional sources. Departments have the option to advertise in various publications at their own expense. Any person inquiring about positions should be referred to the County website for information.

### ***Positions Filled Without a Posting***

From time to time, positions are filled for a short period of time with a temporary employee (less than 12 months). The need for such positions typically does not warrant a formal recruitment process.

## **SECTION 2. APPLICATION PROCESS**

An application form will be accepted for any position vacancy. An application will be required for internal job applicants, as well as all external job applicants. All applications for external recruitment must be channeled through the Human Resources department or the application will not be given consideration for employment. (Exceptions: Sheriff's Department and Register of Deeds).

Applications will only be accepted for recruited openings. The County does not accept general applications to be held on-file. All persons expressing interest in employment with the County shall be given the opportunity to file an application for employment in a job that is being recruited. A person may apply for up to three current vacancies using the same application form.

After the advertisement period ends, Human Resources shall review all applications and forward the best qualified candidates to the hiring supervisor.

### **SECTION 3. QUALIFICATIONS STANDARDS**

To be considered, all applicants shall meet the employment standards established by the position's class specifications. Consideration may be given to work against appointments when the Human Resources Director, in conjunction with the hiring supervisor, determines that there is an insufficient pool of qualified applicants from which to make a selection.

When qualified and suitable applicants are unavailable, an appointment may be made below the level of the regular classification as a work-against appointment for the purpose of allowing the employee opportunity to gain the qualifications needed for the full class through on-the-job experience. The applicant must meet the minimum education standard of the class to which initially appointed. A work-against appointment may not be made when applicants are available who meet the education and experience requirements for the full class of the position in question without the prior approval of the Human Resources Director. When an applicant is selected to a work-against appointment to fill a vacancy for which one or more other applicants meet the minimum education and experience qualifications, documentation must be provided to support the selection decision. This documentation must include a finding that the other applicant(s) qualified on the basis of education and experience are unsuitable for the position.

### **SECTION 4. APPOINTMENTS**

The County Manager is the appointing authority for employees under the general supervision of the County Commissioners, with the exception of those listed below. Appointments are authorized by the County Manager based upon the recommendations of the Department Heads and the Human Resources Director.

A. The County Commissioners appoint the following officials in accordance with the North Carolina General Statutes:

1. Clerk to the Board	3. County Manager	5. Tax Assessor
-----------------------	-------------------	-----------------

2. County Attorney	4. Finance Officer	6. Tax Collector & Deputy Tax Collector
--------------------	--------------------	---

The County Commissioners must approve the appointment by the Sheriff and/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. (GS 153A-103)

- B. The County Board of Elections appoints and dismisses all of the board's employees except the Supervisor of Elections, who is appointed and dismissed by the State Board of Elections (GS 163-35).
- C. The Departments of Public Health and Social Services are subject to the State Human Resources Act (GS 126) which governs recruitment, selection and dismissal. The County Board of Health appoints the Health Director after consultation with the County Commissioners. The Health Director may only be dismissed in accordance with the due process of the State Human Resources Act. Health Department employees are appointed and dismissed by the Health Director in accordance with the Act (GS 130A-41 (b)(12) and GS 126-5 (a)). The County Social Services Director is appointed by the County Social Services Board, and Social Services employees are appointed by the Social Services Director. All Social Services employees, including the Director, are dismissed in accordance with the State Human Resources Act (GS108-14 (2) and GS 126-5(a)).
- D. Cooperative Extension Service employees are appointed and dismissed jointly by the County Commissioners and Cooperative Extension Service of North Carolina State University and/or North Carolina A&T State University in accordance with a memorandum of understanding executed between the universities and the County.
- E. Soil and Water Conservation District employees are appointed and dismissed by the District Supervisors in accordance with a memorandum of understanding between the County and the District. District employees are County employees and are subject to this policy and procedures manual except for hiring, firing and disciplinary actions.
- F. The Sheriff and Register of Deeds are elected by the people for four-year terms in accordance with state law. The Sheriff and Register of Deeds have the exclusive right to hire, discharge and supervise the employees in their offices.

Prior to any applicant/new hire officially beginning work, the Department Head shall coordinate with the Human Resources Department regarding the appointment and the required pre-employment screenings and paperwork.

If the duties of the position involve operation of County-owned/insured vehicle , the *Human Resources Department* will review the driving record of the applicant , which will become a part of the employee's confidential personnel file should the applicant be employed with the County. If the position requires the incumbent employee to be licensed, registered or certified in a particular area, it will be the responsibility of the hiring department to verify that the applicant's credentials are current and valid.

## **SECTION 5: PROBATIONARY PERIOD OF EMPLOYMENT**

### **Full-time/Part-time Employees**

Employees appointed to a position (full-time or part-time) serve a probationary period of six (6) months. Probationary status may be extended to one (1) year at the discretion of the Department Head, in consultation with the Human Resources Director.

### **Office of State Human Resources Employees**

Employees covered by the State Human Resources Act serve a probationary period of six months. Probationary status may be extended to nine (9) months at the discretion of the Department Head.

### **When a Probationary Period is Required**

A probationary period is required for all full-time and part-time employees.

A new probationary period is required for all part-time employees going to full-time employment status, even when an initial probationary period was served as a part-time employee. Because full-time status affords an employee many more benefits and rights, a new probationary period must be served.

A probationary period will not be required when a full-time employee is promoted, transferred or demoted (except as allowed for DSS and Public Health under the State Human Resources Act) provided the employee has already completed an initial probationary period.

An employee who completes the probationary period in a satisfactory manner will receive a six month performance evaluation and shall achieve regular status.

### **Benefit**

Full-time probationary employees receive all benefits afforded to other full-time employees with the exception of the following:

- Enrollment in the North Carolina Local Governmental Employees' Retirement System is delayed until the satisfactory completion of the probationary period.\*

- While vacation leave is accrued during the probationary period, vacation leave may not be taken until after satisfactory completion of the probationary period. If the denial of accrued vacation leave will create an unusual hardship, a request for hardship accrued vacation leave must be submitted for approval by the Department Head to the Human Resources Director, in consultation with the County Manager. If approved, the amount of vacation leave the probationary employee will be allowed to take will not exceed the amount already accrued.

\*See Employee Benefits section for employees who are already enrolled upon employment.

### ***Dismissal***

Any employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period if the Department Head determines the employee is not satisfactorily performing the assigned duties. A probationary employee who is dismissed may not appeal such action; however, the employee must be given notice of dismissal and reason thereof in writing.

In addition, probationary employees are not eligible to receive any accrued leave payments upon termination and forfeit all such earned leave.

If the probationary employee is advanced hardship accrued vacation leave and subsequently voluntarily separates employment while still in the probationary period, such advanced hardship vacation leave will be deducted from the employee's final paycheck since standard County policy is that probationary employees are not eligible to receive accrued leave payments upon termination of employment.

# **ARTICLE V: CONDITIONS OF EMPLOYMENT**

## **SECTION 1. DEFINITIONS**

**Discrimination.** Any workplace action (including but not limited to hiring, firing, demoting and promoting) that is based on a prejudice of some kind and results in the unfair treatment of employees.

**Hatch Act.** A federal act limiting political activity for state and local government employees whose principal employment is in an activity that is financed either in whole or in part by loans or grants from the federal government in order to limit possible bias and political coercion.

**Hostile Work Environment.** An environment which a reasonable person would find hostile or abusive and which the complaining employee in fact perceives to be hostile or abusive. Hostile work environment is determined by looking at several circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and how it interferes with an employee's work performance.

**Quid Pro Quo Harassment.** Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

**Retaliation.** Any form of adverse treatment that occurs because an employee engages in a legally-protected activity such as reporting, testifying, assisting, or participating in any manner in a hearing, proceeding or investigation of unlawful workplace harassment, employment discrimination, or allegations of wrongful or illegal conduct.

**Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when such conduct is made a term or condition of an individual's employment or a rejection of such conduct by an employee is used as a basis for future employment decisions affecting such individual or when such conduct interferes with an individual's work performance, or creates an intimidating, hostile or offensive working environment for an employee or group of employees.

**Unlawful Workplace Harassment.** Unwelcome or unsolicited comments, treatment or conduct based upon age, race, sex, religion, color, national origin, political affiliation, or non-disqualifying handicap that creates a hostile work environment or circumstances involving quid pro quo. This includes sexual harassment.

**Workplace-Violence.** Actions in the workplace by employees, clients, customers, relatives, acquaintances, or strangers against county employees that include, but are not limited to, intimidation, threats, physical assault, domestic violence, and property damage, whether physical, verbal, or non-verbal, to cause emotional duress or to intimidate or coerce an individual or group.

## **SECTION 2. WORKWEEK**

The standard workweek for employees of the County is based on a 40-hour work schedule from 8:00 a.m. until 5:00 p.m., Monday through Friday. The FLSA (for the purposes of compensatory time and overtime pay) Standard Workweek for the majority of County employees is 12:01 am Sunday -12:00 Midnight Saturday. However, when the activities of a particular department or agency require some other schedule to meet work needs, the Department Head may request through the Human Resources Director for the County Manager to authorize a deviation from the normal standard workweek. The FLSA standard workweek may not be altered by Department Heads without the permission of the Human Resources Director and the County Manager.

## **SECTION 3. AMERICANS WITH DISABILITIES ACT (ADA)**

The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of Randolph County Government to comply with all federal and state laws concerning the employment of persons with disabilities.

Randolph County is committed to providing reasonable accommodations to employees and applicants for employment in order to assure that individuals with disabilities enjoy full access to equal employment opportunity. Randolph County shall provide reasonable accommodation for the known physical or mental limitations of qualified employees and applicants with disabilities unless a particular accommodation would impose an undue hardship on its operations.

### **Definitions**

**Disability.** An impairment that substantially limits one or more major life activity.

**Essential Functions.** Those job duties that are so fundamental to the position that the individual holds or desires that he/she cannot do the job without performing them. A function can be "essential" if, among other things: the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or the function is specialized and the individual is hired based on his/her ability to perform them. Determination of the essential functions of a position must be

done on a case-by-case basis so that it reflects the job as actually performed and not simply the components of a generic position description.

**Individual with a Disability.** A person who has a physical or mental impairment that substantially limits one or more of that person's major life activities, has a record of having such an impairment, or is regarded as having such an impairment.

**Interactive Process.** The process by which an individual requesting an accommodation and the decision-makers talk to each other about the request for accommodation, the process for determining whether an accommodation will be provided, and potential accommodations.

**Major Life Activity.** Basic activities that the average person in the general population can perform with little or no difficulty, including but not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to the functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

**Qualified Individual with a Disability.** An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

**Reasonable Accommodation.** An adjustment or alteration that enables a qualified person with a disability to apply for a job, perform job duties, or enjoy benefits and privileges of employment. There are three categories of reasonable accommodations: Modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job (such as providing application forms in alternative formats like large print or Braille); Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job (such as providing sign language interpreters); and Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (such as removing physical barriers in organization.)

**Reassignment.** A form of reasonable accommodation that, absent undue hardship, is provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of their job, with or without reasonable accommodation. Reassignments are made only to vacant positions and to employees who are qualified for the new position. If the employee is qualified for the position, he/she will be reassigned to the job and will not have to compete.

**Request for Reasonable Accommodation.** A statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a medical condition.

***Process for Requesting Reasonable Accommodation***

Randolph County will make reasonable accommodations whenever necessary for all qualified employees or candidates for employment with disabilities, as defined by applicable law, provided that the individual is otherwise qualified to safely perform the essential functions of the job and such accommodations do not impose undue hardship on Randolph County operations.

***Requesting an Accommodation***

If an employee has a disability that requires an accommodation in order for him to perform the essential functions of his job, or otherwise enjoy the benefits and privileges of employment, he must initiate a request for accommodation by contacting his direct supervisor/manager or the Human Resources Director and identify an adjustment or change at work that is needed because of said disability.

If a candidate for employment has a disability that requires an accommodation in order to apply for a job, he must initiate the request for accommodation by contacting the Human Resources department and identifying an adjustment or change in the application process or system that is needed because of said disability.

***Participating in the Interactive Process***

An employee seeking an accommodation under this policy will engage in an interactive dialog (the "interactive process") with his supervisor, manager, and the Human Resources Director to identify an accommodation that will allow the employee to perform the essential functions of the job effectively or engage in other benefits of employment that are enjoyed by similarly situated employees without disabilities.

If the County is able to accommodate the request as a result of the interactive process, without the need for supporting medical documentation or other information, the employee does not need to proceed with any further steps outlined in this process. If the employee's supervisor, manager or the Human Resources Director have questions regarding the implementation of an accommodation, questions related to whether the medical condition is a qualifying disability under the ADA, or need additional medical information to determine what accommodations may be available or effective, the Human Resources Director shall provide the employee with the County's medical inquiry form.

The employee must cooperate with Human Resources in submitting the necessary medical documentation and /or providing a release of medical information that permits Human Resources to communicate with the employee's health care provider. The employee must return all forms and responsive information within 15 days of the request.

Processing the request for accommodation may not proceed until all required forms have been completed and returned to Human Resources.

Human Resources will review the completed forms received from the employee and/or the employee's health care provider. If the information provided is incomplete or requires further clarification, Human Resources may request additional information from the employee or his health care provider.

***Determination***

If, based on medical and other information provided by the employee and/or his health care provider, the employee is determined to be a qualified individual with a disability, Human Resources will notify the employee and his department head.

The Human Resources Director will work with the employee and his department head to identify and discuss reasonable accommodations that will enable the employee to perform the essential functions of the job or to participate in the same benefits and privileges of employment enjoyed by similarly situated employees without disabilities. In instances where there is no reasonable accommodation that enables the employee to perform the essential functions of the job, including unpaid leave and assignment to a vacant position, the employee may be terminated.

***Modifications Not Necessarily Determinative of Disability Status***

When appropriate, temporary modifications may be made pending review of medical information, or modifications may be made without relying on whether the employee has a disability as defined by law. These actions should not be construed as a finding by the County that it has made a determination that an employee is a qualified individual with a disability under the ADA.

***Confidentiality***

Information obtained in the course of this process will be kept confidential and will be disclosed only on a restricted, need-to-know basis and as otherwise permitted or required by law.

***Protection from Discrimination and Retaliation***

Discrimination or retaliation against an individual who has a disability and/or who requests a reasonable accommodation is strictly prohibited.

***Responsibilities***

***Employees/Candidates***

Employees and/or candidates with a disability that interferes with their ability to apply for a job, perform their essential job functions or otherwise enjoy the benefits and privileges of employment that are available to other similarly situated employees without disabilities, and who desire an accommodation, must follow the process set forth above.

The employee or candidate who requests an accommodation has the responsibility to submit all required documentation on a timely basis and to remain engaged in the interactive process with the County while a determination is being made. It is the employee's responsibility to work with his supervisor, department head, the Human Resources Director and qualified health care professional to review and complete all forms required. Any failure by the employee to supply the County with all relevant and requested medical information or to otherwise meaningfully cooperate in the interactive process may result in the County's denial of the accommodation or delay in the process.

### ***Department Heads/Supervisors***

Department Heads and Supervisors are responsible for ensuring that all employees under their supervision are fully aware of the contents of this policy. When an employee requests an accommodation, the department head and/or supervisor must participate in the interactive process with the employee to determine if a reasonable accommodation can be made with or without seeking additional information about the employee's medical condition through Human Resources. If Human Resources determines that an employee's medical condition is a qualifying disability under the ADA, the department head and supervisor must continue to work with the employee to identify existing reasonable accommodations that will enable the employee to perform the essential functions of his job.

### ***Human Resources***

Human Resources, in consultation with the legal department when necessary, is responsible for determining whether an individual is entitled to an accommodation under the terms of this policy, assisting in the interactive process to identify reasonable accommodations as necessary, and informing employees of their rights and obligations pursuant to this policy.

## **SECTION 4. WHISTLEBLOWER POLICY**

Randolph County requires its employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees must practice honesty and integrity in fulfilling responsibilities and must comply with all applicable County policies, and all applicable laws and regulations.

### ***Reporting Responsibility***

This policy is intended to encourage and enable employees and others to raise serious concerns internally so that Randolph County can address and correct inappropriate conduct and actions. It is the responsibility of all employees, officers, board members and volunteers to report concerns about violations of Randolph County's policies or suspected violations of law or of regulations that govern County operations.

### **No Retaliation**

It is contrary to Randolph County's values for anyone to retaliate against any board member, officer, employee or volunteer who, in good faith, reports a policy violation, an ethics violation, or a suspected violation of law or of any regulation governing County operations. An employee who retaliates against someone who has reported a violation in good faith is subject to disciplinary action up to and including dismissal.

### **Reporting Procedure**

Randolph County has an open door policy. If comfortable doing so, employees should first share their questions, concerns, suggestions and complaints with their supervisor or department head. If an employee is not comfortable speaking with his/her supervisor or department head, the employee should speak with the Human Resources Director or the Associate County Attorney. Supervisors and department heads are required to report complaints or concerns about suspected ethical and legal violations to the Human Resources Director, who has the responsibility to investigate all reported complaints. If the complaint involves the Human Resources Department, then it should be reported to the County Manager who has the responsibility to investigate.

### **Compliance Officer**

The Human Resources Director is responsible for ensuring that all whistleblower complaints are investigated and resolved. The Human Resources Director will advise the County Manager of all complaints and their resolution.

### **Accounting and Auditing Matters**

The Human Resources Director shall immediately notify the County Manager, the Finance Director and the Internal Auditor of any concerns or complaints regarding accounting practices, internal controls or auditing and shall work with the Internal Auditor to see that the matter is resolved.

### **Acting in Good Faith**

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing that a violation exists. Making an unsubstantiated allegation maliciously or when known to be false will be viewed as a serious disciplinary offense.

### **Confidentiality**

Violations or suspected violations may be reported on a confidential basis and will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

### ***Handling of Reported Violations***

The Human Resources Director will notify the complainant and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated and appropriate action will be taken when warranted by the investigation.

### **SECTION 5: GIFTS AND FAVORS**

- A. No County official or employee of the County shall accept any gift of value, 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.
- B. No official or employee shall accept any gift, favor, or thing of value that may tend to influence that employee in the discharge of his duties.
- C. No official or employee shall grant in the discharge of his duties any improper favor, service, or thing of value.
- D. Gratuities shall be refused by all County officials and employees.

### **SECTION 6. POLITICAL ACTIVITY RESTRICTED**

Every employee of Randolph County has a civic responsibility to support good government by every available means and in every appropriate manner. Any employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and by the Constitution and laws of the United States of America.

However, no employee of Randolph County shall:

- 1. Engage in any political or partisan activity while on duty or on County property;
- 2. Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- 3. 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;
- 4. Coerce or compel contributions for political or partisan purposes by another employee of the County; or
- 5. Use funds, supplies, or equipment of the County for political or partisan purposes.

Employees subject to the State Human Resources Act and employees in certain federally aided programs are subject to the Hatch Act as amended in 1975. This federal act, in addition to prohibiting 2, 3, and 4 above, also prohibits candidacy for elective office in a partisan election.

Any violation of this section will subject such employee to disciplinary action, up to and including dismissal.

## **SECTION 7: CONFLICT OF INTEREST**

It shall be the policy of Randolph County that no Manager, Department Head, Supervisor or employee may use his position, or the knowledge gained therein, in such a manner that a conflict between Randolph County's interests and his personal interests should arise. All employees must recognize that as employees of Randolph County government, they are keepers of the public trust. Both the fact and the appearance of conflicting interests are to be avoided. Employees are prohibited from having a direct or indirect formal interest that conflicts substantially with his/her government duties and responsibilities or from joining in, directly or indirectly, a formal transaction as a result of, or primarily relying upon, information obtained through his/her government employment. Furthermore, employees are to refrain from transmitting any knowledge of County considerations or decisions, or any other information which might be prejudicial to the interest of the County, to any person other than in connection with the discharge of their official responsibilities. Adherence to this policy, as herein above set out, is a condition of employment. Failure to comply may result in disciplinary action, up to and including termination of employment.

## **SECTION 8. OUTSIDE EMPLOYMENT**

The work of the County will take precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission, and all self-employment must be reported to the employee's Department Head, who in turn will report potentially conflicting employment to the Human Resources Director for approval/disapproval by the County Manager. Outside employment will not be approved if it involves a conflict of interest or the appearance of a conflict of interest. Conflicting outside employment, as well as assumption of outside employment without prior approval by the County, may be deemed improper conduct and shall subject the employee to disciplinary action up to and including termination of employment.

## **SECTION 9. LIMITATION OF EMPLOYMENT OF RELATIVES**

No two members of an immediate family shall be employed within the same department if such employment will result in one member supervising the other or in one member

occupying a position that has influence over the other's employment, promotion, salary administration, or related management or personnel considerations.

## **SECTION 10. REMOTE COMPUTER ACCESS**

Remote computer access to the County server which enables a **non-exempt** employee to work from home must be approved by the Department Head, Human Resources Director and County Manager prior to access being granted. Remote access for exempt employees may be granted by the Department Head.

## **SECTION 11. DATING RELATIONSHIPS**

Randolph County strongly believes that an environment where employees maintain clear boundaries between employee personal and county business interactions is most effective for conducting business. Although this policy does not prevent the development of friendships or romantic relationships between coworkers, it does establish very clear boundaries as to how relationships will progress during working hours and within the working environment. Individuals in supervisory relationships or other influential roles are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information and their ability to influence others.

- A. During working time and in working areas employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges and so that productivity is maintained.
- B. During non-working time, such as lunches, breaks and before and after work periods, employees are not precluded from having appropriate personal conversations in non-work areas as long as their conversations and behaviors could in no way be perceived as offensive or uncomfortable to a reasonable person.
- C. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on company premises, whether during working hours or not.
- D. Employees who allow personal relationships with coworkers to affect the working environment will be subject to the appropriate provisions of the county disciplinary policy which may include counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.
- E. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.

- F. Department Heads, Supervisors and anyone else in sensitive or influential positions must disclose the existence of any relationship with another coworker that has progressed beyond a platonic friendship. Disclosure may be made to the immediate supervisor or the Director of Human Resources. This disclosure will enable the organization to determine whether any conflict of interest exists because of the relative positions of the individuals involved.
- G. Where problems or potential risks are identified the county will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure that the parties involved no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions, financial transactions, etc. are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage.
- H. Failure to work with the organization to resolve such a situation in a mutually agreeable fashion may ultimately be deemed insubordination and therefore serve as cause for immediate termination. The organization's disciplinary policy will be consulted to ensure consistency, however, before any such extreme measures are undertaken.
- I. In some cases other measures may be necessary such as transfer to other positions or departments. Refusal of reasonable alternative positions, if available, will be deemed a voluntary resignation.
- J. The provisions of this policy apply regardless of the sexual orientation of the parties involved.
- K. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments on the basis of the overall spirit and intent of this policy.
- L. Any employee who feels they have been disadvantaged as a result of this policy, or who believes this policy is not being adhered to, should make their feelings known to the Human Resources Director or other designated individual.

## **SECTION 12. UNLAWFUL WORKPLACE HARASSMENT/DISCRIMINATION**

The County does not tolerate any form of workplace harassment. No employee, regardless of position, may engage in conduct that falls under the definition of unlawful workplace harassment, including but not limited to sexual harassment. Unlawful harassment is generally defined as unwelcome or unsolicited comments, treatment, or conduct based upon a Title VII protected class that creates a hostile work environment

or circumstances involving quid pro quo. All employees have a right to work in an environment free from unlawful workplace harassment and retaliation. Furthermore, indifference by Supervisors and other employees with authority will not be tolerated

Unlawful workplace harassing behaviors may be overt or subtle, and include physical, verbal or nonverbal acts. Behaviors which are viewed as unwelcome, offensive or abusive by the recipient are considered unlawful harassment. The behaviors listed below are illustrative, though not exhaustive, of the types of behavior that are prohibited by this section:

- A. *Physical acts:* Unnecessary touching, pinching, patting, fondling, massaging, kissing, hugging, grabbing, brushing against a person's body, blocking a person's path, exposing oneself or coercing sexual intercourse.
- B. *Verbal behaviors:* Foul or obscene language, sexual propositions, sexual innuendo, crude jokes about gender-specific traits, threats, discussing sexual activities, commenting on someone's physical attributes or spreading false rumors about a person's sex life.
- C. *Nonverbal conduct:* Sexually explicit pinups or calendars depicting nude or partially nude women or men, sexual graffiti, pornography, sexual cartoons, unseemly gestures or facial expressions, whistling, catcalls, suggestive noises, crude pranks or giving gifts or letters of a sexual nature.

### **SECTION 13. UNLAWFUL WORKPLACE HARASSMENT/DISCRIMINATION COMPLAINT PROCEDURE**

Any employee may file a complaint when he believes that he has been discriminated against or harassed on the basis of age, race, sex, religion, color, national origin, political affiliation or disability. Complaints may be filed with the employee's Department Head, the Human Resources Director or the Clerk to the Board or the County Manager. In filing a complaint, the following steps shall be taken:

1. To be considered filed, the complaint should be made in writing within thirty (30) days of the alleged incident/action giving rise to the complaint. Unless the complaint directly involves the Human Resources Department, a copy of the complaint must be filed with the Human Resources Director.
2. The written complaint referenced above should contain, at a minimum, the following information: the decision, action or policy giving rise to the complaint, the effect of that decision/action/policy on the employee, and the employee's proposed resolution.

3. A thorough investigation of the complaint shall be conducted. This investigation shall be conducted by the Human Resources Director or her designee and, when appropriate, with the Department Head. The County Manager or his designee shall investigate complaints involving the Human Resources Department. Confidentiality and the dignity of those involved in a complaint are important. Considering the sensitive nature of these complaints, every effort will be made to keep the complaint and the name of the employee(s) confidential and on a need-to-know basis. However, due to the importance of conducting a thorough investigation, confidentiality cannot be guaranteed. Employees involved in an investigation, whether as complainant, alleged harasser, witness or investigator, should keep all discussions or communications confidential.
4. The County shall supply the complainant with a written report of the results of the investigation within sixty (60) days of the filing of the complaint.

In furtherance of this policy, the County prohibits retaliatory action of any kind taken by an employee of the County against any other employee because that person made a complaint, testified, assisted, or participated in any manner in a hearing, proceeding or investigation of harassment or discrimination.

The decision referenced in #4 above ends the complaint process and is the final and binding decision of the County, except for those employees subject to the State Human Resources Act as outlined below.

***Employees Subject to the State Human Resources Act***

Employees subject to the State Human Resources Act must exhaust the County grievance procedure previously outlined in this Article and must achieve career status before appealing to the Office of State Human Resources except for complaints alleging harassment or discrimination. In harassment or discrimination cases, the employee may avail himself of the County complaint procedure outlined above or may appeal directly to the Office of Administrative Hearings within thirty (30) days of the alleged harassing or discriminatory act. All decisions by the State Human Resources Commission, other than cases of harassment or discrimination, shall be advisory to the local appointing authority as defined by statute.

Copies of the grievances/complaints filed under this Section must also be sent to the Department Head, the Human Resources Director, and the County Manager.

**SECTION 14. EMPLOYEE PERFORMANCE EVALUATIONS**

All full-time and part-time employees subject to the Randolph County Employee Policies and Procedures Manual will be evaluated under the Employee Performance Evaluation System. Evaluations will be submitted on the approved form along with any other

documentation that can properly describe the performance of the employee being rated. Department Heads may designate the Supervisors to evaluate employees and may also require intermediate level Supervisors to review the evaluation; however, the Department Head must rate and/or review the evaluation of all employees within his department. An employee must review his evaluation and be given the opportunity to make comments pertaining to the evaluation.

1. Each new employee, both part-time and full-time, in an initial probationary period shall have a Six Month Performance Evaluation no later than the end of the sixth month of aggregate employment. The Department Head will forward a copy of the Six Month Evaluation and a Human Resources Status form indicating that the employee has either been granted regular status or the probationary period has been extended to the Human Resources department for inclusion in the employee's personnel records.
2. Each County employee who has achieved regular status will be evaluated annually at a minimum. More frequent evaluations may be conducted if, in the opinion of the Supervisor, Department Head and/or Human Resources Director, it is conducive to good human resources management.
3. It is recommended that temporary employees be included in the evaluation process if the employment is more than six months in duration. This will provide the Supervisor an opportunity to evaluate the work being done and to correct any deficiencies. As with other employees, it will serve as a notice when work is unsatisfactory.
4. Employees who have been promoted shall have a new review date based upon the promotion effective date. Subsequent evaluations shall be conducted on the employee's new review date. A Six Month Evaluation should be conducted at the end of six months after the promotion.
5. An employee who has been demoted shall have a new review date effective with the demotion date. A Six Month Evaluation should be conducted at the end of six months after the demotion.

## **SECTION 15. DRUG-FREE WORKPLACE POLICY**

Randolph County is committed to protecting its employees and the public we serve by maintaining a healthy and safe workplace. All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, partaking of, possessing, or using any controlled substance or alcohol in the workplace, or reporting to work under the influence of any controlled substance or alcohol, except medications prescribed by a licensed health care provider and certified by said provider not to constitute a workplace hazard. The County maintains a Drug and Alcohol Testing Policy that prohibits

the presence of illegal drugs and alcohol in the workplace and the influence of these substances on employees during working hours and provides that violations are grounds for disciplinary action up to and including dismissal.

## **SECTION 16. DRUG AND ALCOHOL TESTING POLICY**

### A. Purpose and Scope of Policy.

1. The purpose of this policy is to maintain a drug-and alcohol-free workplace and to provide procedures for conducting screenings of job applicants and employees for the use of illegal drugs and the improper use of prescription drugs.
2. Randolph County recognizes that an employee's on-or off-the-job involvement with drugs and/or alcohol can have an impact on work productivity and the ability to provide a work environment free from the effects of substance abuse. While it is inappropriate for the County to intrude into the private lives of its employees, employees are expected and required to be in a condition to safely and effectively perform their job duties throughout the workday.
3. All testing will be conducted in accordance with the North Carolina Controlled Substance Examination Regulation Act and in a manner that will protect the rights of employees and applicants subject to testing. Therefore, Randolph County will take all necessary steps to safeguard the dignity and self-esteem of those being tested and will ensure adherence to all procedures pertaining to the implementation of this policy.
4. Randolph County will strictly adhere to all standards of confidentiality and assure all employees that testing records and results will only be released to those authorized to receive such information.
5. Employees with substance abuse issues are encouraged to voluntarily seek help from the Employee Assistance Program. This does not prevent employees who fail drug or alcohol tests from being disciplined as provided herein, up to and including dismissal.
6. Participation in a counseling, treatment or rehabilitation program for drug and/or alcohol use/abuse will not be grounds for discharge provided the employee voluntarily enters such a program prior to being identified as a drug user/abuser or alcohol abuser by means such as tests, and before the

employee becomes suspected under circumstances satisfactory to the County of being a drug user/abuser or alcohol abuser.

B. Applicability.

1. With the exception of the employees of the Office of the Sheriff and the Register of Deed's Office, this policy applies to all Randolph County employees and applicants for employment. Since the Sheriff and the Register of Deeds are elected officials, the establishment and administration of a drug-free workplace in the Sheriff's Office and the Register of Deeds' Office shall be the responsibility of these officials respectively.
2. The Sheriff's Office shall be responsible for reporting test results to the North Carolina Sheriff's Education and Training Standards Commission for personnel holding certification from that Commission if and when required.

C. Definitions.

1. Alcohol Test—means a test for the presence of alcohol in the body as determined through the use of a breath alcohol test, evidential breathalyzer test, blood screening, or other device/test approved by the U.S. Department of Transportation.
2. Drug Test/Drug Screening—means a test, including providing the necessary sample of body fluid by the employee to be tested, for the presence of any of the following drugs or drug metabolites in the urine or blood of an employee:
  - a. Amphetamines (including methamphetamine)
  - b. Barbiturates
  - c. Benzodiazepines
  - d. Cannabinoids (marijuana)
  - e. Cocaine (including crack)
  - f. Methaqualone
  - g. Opiates (including heroin)
  - h. Phencyclidine (PCP)
  - i. Propoxyphene
  - j. Other drugs as directed by Federal law or expanded county policy
3. Negative Alcohol Test—with respect to a safety-sensitive employee, means a test that indicates an alcohol concentration of 0.00. With respect to an employee not employed in a safety-sensitive position, a negative alcohol test means a test that indicates an alcohol concentration of less than 0.02.

4. Negative Drug Test—means a test result that does not show the presence of drugs at a level specified to be a positive test.
5. On Call—means being subject to a call to report immediately to work for Randolph County.
6. On Duty—means that an employee is at the workplace, performing job duties, on call, or any other time for which he or she is entitled to receive pay from Randolph County.
7. Pass a Drug Test—means that the result of the test is negative. The test either:
  - a. Showed no evidence or insufficient evidence of a prohibited drug or drug metabolite, or
  - b. Showed evidence of a prohibited drug or drug metabolite, but there was a legitimate medical explanation for the result as determined by a certified medical review officer.
8. Positive Alcohol Test—with respect to a safety-sensitive employee, means the presence of alcohol in the employee's system at a level greater than 0.00. With respect to a non-safety-sensitive employee, a positive alcohol test means the presence of alcohol in the employee's system at a level of 0.02 or greater.
9. Positive Drug Test—means a laboratory finding of the presence of a drug or drug metabolite in the urine or blood of an employee at the level specified to be positive by the Substance Abuse and Mental Health Services Administration (SAMHSA), or for drugs not subject to SAMHSA guidelines, at the level specified to be positive by Randolph County. All positive tests will be confirmed using a different technology than was used for the first test, such as the Gas Chromatography Mass Spectrometry (GCMS) process.
10. Workplace—means the location or facility where an employee may be expected to perform any task related to the requirements of his/her job. This includes but is not limited to: break rooms, restrooms, outdoor worksites, Randolph County vehicles, personal vehicles (while being used for Randolph County business), computer work stations, conference rooms, hallways, private offices, open/partitioned work areas, public contact/customer service areas, medical service areas, County campuses and parking lots.

D. Prohibited Substances/Conduct.

1. Prohibited Substances.

a. Illegally Used Substances or Drugs under the Drug-Free Workplace Act of 1988.

- 1) Any drug or substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 USC 812) and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes but is not limited to: marijuana, amphetamines (including methamphetamine & ecstasy), opiates (including heroin), phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the US Drug Enforcement Administration or the US Food and Drug Administration.
- 2) Illegal use includes the use of any illegal drug, the misuse of legally-prescribed drugs, and use of illegally-obtained prescription drugs.
- 3) The medical use of marijuana or the use of hemp-related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds, is a violation of this policy.

b. Legal Drugs.

The appropriate use of legally-prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance or combination of substances which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the supervisor.

c. Alcohol.

Use of alcoholic beverages is prohibited on County premises, in County workplaces and while conducting County business. The use of beverages or substances containing alcohol (including mouthwash, medication, food, etc.) such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

2. Prohibited Conduct.

- a. The unlawful manufacture, distribution, dispensation, possession, storage, purchase or use of drugs by employees is prohibited and constitutes grounds for immediate termination.
- b. The manufacture, distribution, dispensation, possession, storage, purchase or use of alcohol by employees at the workplace or while performing job duties is prohibited and constitutes grounds for immediate termination.
- c. All employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR, Part 40 as amended.
- d. All non-safety-sensitive employees are prohibited from reporting for duty or remaining on duty while having an alcohol concentration of greater than 0.02 regardless of when the alcohol was consumed.
- e. All safety-sensitive employees, as defined in Section H, Paragraph 2, are prohibited from reporting for duty or remaining on duty while having an alcohol concentration of greater than 0.00 regardless of when the alcohol was consumed.

#### E. Pre-Employment Testing

1. All offers of employment shall be extended conditional upon the applicant passing a pre-employment drug test.
2. All applicants determined to be final candidates for a full-time or part-time position will be required to submit to a drug test. The test shall be performed within forty-eight (48) hours from the time the conditional offer of employment is made and before the candidate begins performing the job in question.
3. Applicants for temporary positions will be required to submit to a pre-employment drug test if the position in question requires a Commercial Driver's License (CDL) or is designated as safety-sensitive by DOT. Applicants for other temporary positions shall be required to submit to a pre-employment drug test if the department head determines that the nature of the job and/or the length of the assignment justify the test.
4. An applicant who fails to take the required drug test will not be hired for the position in question and will not be considered for employment for a two-year period thereafter.

5. If an applicant fails the pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will not be considered for employment for at least two-years. After two-years, before being considered for employment, the applicant must provide documentary proof that he/she has successfully completed a referral, evaluation, and approved treatment plan and must pass a pre-employment drug test. The costs of assessment, evaluation and treatment are the sole responsibility of the applicant.

#### F. Reasonable Suspicion Testing

1. Any employee, safety-sensitive or otherwise, may be sent for a drug and/or alcohol test when there is reasonable suspicion that the employee has used a prohibited drug or has used alcohol in violation of this policy.
2. Reasonable Suspicion exists when a supervisor obtains detailed and timely observations concerning appearance, behavior, speech, or body odor or other physical indicators of probable drug or alcohol use. A timely observation is one made at the time of occurrence and not reported hours/days later. By way of example and not limitation, any one or a combination of the following may constitute reasonable suspicion:
  - a. Slurred speech
  - b. The odor of marijuana or alcohol about the person
  - c. Inability to walk a straight line
  - d. Physical altercation
  - e. Verbal altercation
  - f. Behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e. confusion, disorientation, lack of coordination, marked personality changes, irrational behavior)
  - g. Possession of drugs and/or alcohol
  - h. Credible information obtained from other employees based on their observations
  - i. Arrests, citations and deferred prosecutions association with drugs or alcohol
3. A reasonable suspicion test will only be authorized after the factors leading to the determination of reasonable suspicion have been reviewed with and approved by the head of the department in which the employee works. In the event that the department head is unavailable, the Human Resources Director and/or the Associate County Attorney shall be consulted.
4. A reasonable suspicion test shall be administered as quickly as possible and no later than eight (8) hours following the determination of reasonable suspicion.

If the test is not administered within two (2) hours, the supervisor must document the reason(s) for the delay.

5. A written record shall be made of the observations leading to a reasonable suspicion drug and/or alcohol test. This record shall be signed by the supervisor who made the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

#### G. Post-Accident Testing

1. A post-accident drug and/or alcohol test will be conducted whenever there is reasonable suspicion, as defined in Section F, Paragraph 2 above, that the accident is the result of employee impairment caused by the use of drugs and/or alcohol.
2. When warranted as provided above, a post-accident drug and/or alcohol test shall be administered immediately following the accident.
3. Reasonable suspicion necessitating a post-accident drug and/or alcohol test shall be documented in the same manner as contained in Section F, Paragraph 5 above.

#### H. Random Testing

1. Employees designated as safety-sensitive will be tested on an unannounced basis throughout the year. Computer-generated numbers matched with the employee's identification number will determine who is tested.
2. A position will be designated as safety-sensitive only when Randolph County has a compelling need, on the basis of safety concerns, to ascertain on-the-job impairment on the part of employees who hold the position. Such a compelling need may arise where the duties of the position create, or are accompanied by, such a great risk of injury to other persons or to property of such magnitude that even a momentary lapse of attention, judgment or dexterity could have disastrous consequences. Examples of these positions include:
  - a. Positions (full or part time) requiring the use of weapons (or potential use of weapons) or the operation of vehicles, machinery or equipment as a primary task (does not include routine office equipment; and
  - b. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace; and

- c. Other positions as determined on a case-by-case basis.
- 3. All positions which fall under the DOT guidelines definition will be classified as safety-sensitive. Other positions may be classified as safety-sensitive upon the recommendation of the department head with approval by the Risk Manager. A list of safety-sensitive positions shall be maintained by the Risk Manager.
- I. Return to Duty Testing
  - 1. An employee who has a positive alcohol test of greater than 0.00 will not be allowed to return to duty in the performance of a safety sensitive function until he/she has been evaluated by a substance abuse professional and until he/she tests 0.00 on a return-to-duty alcohol test.
  - 2. An employee who has voluntarily participated in a counseling, treatment or rehabilitation program for drug and/or alcohol use/abuse in accordance with Section A, Paragraph 6 of this policy will not be allowed to return to duty until he/she has been tested for drugs and/or alcohol and has passed said test.
- J. Follow-Up Testing
  - 1. Once allowed to return to duty, an employee who has been determined by a substance abuse professional to be in need of assistance in resolving problems associated with the misuse of drugs and/or alcohol must submit to a minimum of 6 follow-up tests within the first twelve (12) months following his/her return to duty. Follow-up testing may be extended for up to sixty (60) months following return to duty as prescribed by the evaluating substance abuse professional. Follow-up testing should be frequent enough to deter and/or detect a relapse.
- K. Refusal to Submit to Test
  - 1. An employee who refuses to submit to, or fails to follow through with, a drug and/or alcohol test when testing is required by this policy will be terminated.
  - 2. Refuse to submit means that an employee:
    - a. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing; or
    - b. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing; or

- c. Refuses to sign the alcohol confirmation test certification; or
- d. Refuses to sign any document necessary for the administration of a drug and/or alcohol test; or
- e. Engages in conduct that obstructs the testing process; or
- f. If subject to post-accident testing, who unnecessarily leaves the scene of an accident before a required test is administered or fails to remain readily available for testing.

#### L. Consequences of Positive Test

1. An employee who tests positive for alcohol will be terminated if management concludes that the alcohol consumption occurred on the job.
2. An employee who tests positive for alcohol and is not terminated shall receive a 5-day suspension without pay, shall be placed on 180-day performance probation, and shall receive a mandatory referral to a substance abuse professional. The employee shall be evaluated by the substance abuse professional and shall follow any rehabilitation program prescribed. The employee shall then be subject to the return to work and follow-up testing provisions outlined in this policy. Refusal to comply will result in termination.
3. A second positive alcohol test within 5 years of the first test will result in termination.
4. An employee who tests positive for illegally-used substances or drugs as defined by Section D, paragraph 1, subsection a of this policy shall be terminated.
5. An employee who does not pass a drug and/or alcohol test and is terminated shall not be considered for re-employment for a two-year period following the date of the test and then will only be considered when:
  - a. He or she provides documentary proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program; and
  - b. He or she passes a pre-employment drug and/or alcohol test.

#### M. Reporting Convictions

1. If an employee is convicted of a violation of a criminal drug statute and such violation occurred while the employee was on duty, the employee must notify his or her department head of the conviction within 5-days after such occurrence. This is a requirement of the Drug-Free Workplace Act. Failure to comply with this requirement will result in termination.
2. If an employee is arrested off the job for Driving While Impaired (DWI) or Driving Under the Influence (DUI) or for the use, sale or possession of a controlled substance, he or she shall notify his/her department head within forty-eight (48) hours of the incident. The department head shall investigate the incident and if it is found to have a direct relationship to the employee's job duties and responsibilities, disciplinary action may be taken.

#### N. Employee Responsibilities

Every employee shall:

1. Abide by this policy as a condition of employment.
2. Comply with all applicable laws regulating the manufacture, distribution, dispensation, use or possession of illegal drugs, alcohol and prescription drugs.
3. Assure that his/her ability to perform his/her job duties is not negatively affected due to the use of a drug and/or alcohol when scheduled to work or when on "on call" status. Should any employee be requested to report to work earlier than his/her normal or previously-assigned time, it is the employee's responsibility to advise his/her supervisor of an inability to perform his/her job duties or that he/she has consumed alcohol. If the employee is "on call" or had received prior notice that he/she might be called back to work, the employee shall be considered absent without leave if he/she is unable to report for duty and may be subject to disciplinary action.
4. Inform his/her supervisor if, prior to beginning work, or while he/she is on duty, that he/she has used or intends to use any prescription drug, over-the-counter drugs, or other substance that might impair his/her ability to satisfactorily perform assigned duties. It is the employee's responsibility to have a thorough understanding of the effects and potential side effects of medications or other chemical substances taken. Failure to do so may result in disciplinary action up to and including termination.
5. Submit immediately to a drug and/or alcohol test when directed to do so by his/her supervisor.

## O. Confidentiality and Compliance with Law

1. Information regarding the testing and referral of employees and applicants under this policy will be treated as confidential in accordance with the requirements of North Carolina law.
2. Searches and seizures are to be conducted in a legal manner. Randolph County reserves the right to conduct searches or inspections of property assigned to an employee whenever a department head or his/her designee determines that the search is reasonable under all of the applicable circumstances.
3. This policy is intended to comply with all applicable Federal and State regulations governing anti-drug and alcohol programs.

## **SECTION 17. WORKPLACE VIOLENCE PREVENTION POLICY**

*Original Violence in the Workplace Policy adopted by the Board of County Commissioners as a standalone policy on 10-7-96. Policy was repealed and replaced by this policy and incorporated into the Randolph County Employee Policies and Procedures Manual effective April 1, 2014.*

### **Objective**

Randolph County Government is committed to preventing workplace violence and to maintaining a safe work environment. In furtherance of this objective, Randolph County has adopted the following guidelines to deal with intimidation, harassment or other threats of or actual violence that may occur on-site or off-site during work-related activities.

### **Scope of Policy**

All full-time and part-time employees are covered under this policy, as well all contractors, business partners, volunteers and clients of Randolph County Government are covered by this policy.

### **Procedures**

- A. All employees, customers, vendors, business associates, clients and volunteers should be treated with courtesy and respect at all times.
- B. Employees are expected to refrain from fighting, "horseplay" or other conduct that may be dangerous to others.
- C. Conduct that threatens, intimidates or coerces another employee, customer, vendor, business associate, client or volunteer will not be tolerated. Randolph County

resources may not be used to threaten, stalk or harass anyone at the workplace or outside of the workplace.

- D. County employees are prohibited from carrying a personal deadly weapon in the course of conducting County business, with the exception of those Sheriff Office employees who qualify with and carry their own personal weapon while on duty.
- E. Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, security personnel, human resources, or any member of senior management as appropriate. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident. Any emergency situation should be immediately reported to 911.
- F. Employees should promptly inform the HR Director of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. The County treats threats coming from an abusive personal relationship as it does other forms of violence. The County will not retaliate against employees making good-faith reports. The County is committed to supporting victims of intimate partner violence by providing referrals to the County's Employee Assistance Program (EAP) and community resources.
- G. The County will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. The County will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, the County may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.
- H. The County encourages employees to bring their disputes to the attention of their supervisor, senior management or the HR Department before the situation escalates.
- I. Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

## **SECTION 18. SEVERE WEATHER AND EMERGENCY CONDITIONS**

*Adopted by the Board of County Commissioners as a standalone policy on 12-6-10. Policy was incorporated into the Randolph County Employee Policies and Procedures Manual effective April 1, 2014.*

As a local government, the essential services of Randolph County must be provided even during periods of severe weather or emergency conditions. The County is committed to maintaining full service levels to the extent possible. However, the County is also committed to maintaining the safety of all citizens and employees, which may necessitate the need for a delay or closing of County operations during severe weather or emergency conditions.

When conditions warrant, the County Manager will determine and announce all decisions to delay or close County operations. If the County Manager is unavailable, the Chairman of the Board of County Commissioners will make the determination. If the offices are delayed or closed, then non-essential employees will not be required to report to work and will not be required to use leave to account for those hours during which the offices are closed.

### **Notification of County Operational Status**

When the County's schedule is altered, operational status will be available through the following means:

- News media outlets, specifically television channels WFMY2, Fox8 and News 14.
- The Randolph County Manager's phone line at 318-6300.
- The Randolph County Home page on the internet at <http://www.randolphcountync.gov>. The inclement weather message will be displayed on the home page at the top of the screen.
- Texts and/or emails from Randolph County Emergency Services through Nixle (a free vendor-based software program for governments) provided that County employees have registered through Nixle for this program and for as long as this program is available to governments.
- In the event of an **early closing only**, the County Manager's office will send notification via the "allemailusers" email distribution list. It is the responsibility of Department Heads and Supervisors to ensure that all their employees have been notified, as some employees do not have email or may be away from their computers.

An announcement of a delayed opening or closing will be made as early as possible, but no later than 6:30am. If severe weather or emergency conditions develop during the day, employees will be notified of closings through normal supervisory means. If no message is displayed on the television channels, County website or phone line, then the County is operating under normal operating hours.

## **Reporting For Work in Emergency Conditions**

### ***Essential Employees***

Essential employees are expected to report for work on their regular schedule despite any closing, delay, or cancellation. Generally these employees hold positions designated as "required for the essential operations of the County." Essential County operations are designated as but not limited to: Sheriff's Office and Jail, Emergency Services, Maintenance and other departmental personnel necessary for snow removal operations.

### ***Non-Essential Employees***

Non-Essential employees whose presence is not generally required for the essential operations of the County are excused from reporting during an official delay or closing unless they are notified by an appropriate supervisor that they must report for work to support the necessary operations of County Government despite the closing or delay of other activities or services. Such determinations and notifications are made on a situation-specific basis. Employees are responsible for ensuring they can be reached via valid contact information.

Please note that all employees are subject to becoming "essential employees" in the event of an extreme major emergency or disaster in order to assist with emergency management work such as handling calls, general office work in the Emergency Operations Center, assisting in the central receiving/distribution center, assisting at shelters, and any other such duties as defined by Emergency Services.

## **Compensation and Record Keeping**

### ***Essential Employees***

Essential Employees who are required to report to work during a period of severe weather or emergency conditions will receive their base rate of pay. FLSA overtime rules apply. Overtime is typically compensated as compensatory time and requires the approval of the employee's department director prior to being worked. Only the County Manager may approve employees to be paid monetary compensation rather than compensatory time for overtime hours worked during a severe weather or emergency event.

### ***Full-time Non-Essential Employees***

Full-time Non-Essential Employees working a 40 hour standard workweek will not be required to report to work nor will they be required to use personal leave time when County offices are delayed or closed. The hours that the operations are closed are to be coded on the employee's time sheet as E for Emergency Conditions Leave. In the event that the County operates on a delayed schedule, an employee is not required to report to work if he/she feels it would be unsafe for him/her to do so; however the employee must use personal leave time for any hours that the County operations were open.

Severe Weather and Emergency Conditions may be County wide or department specific. For example, if power goes out in one building and that building cannot offer services, the Department Head will consult with the County Manager and if a decision is made to close, employees of that Department shall account for their time in the same manner as provided above.

- A. Non-essential employees may not work during emergency weather or severe conditions events without approval from his or her Supervisor. If an employee does work without Supervisory approval, the employee will be subject to disciplinary action.
- B. Part-time employees are paid for hours worked and do not receive Emergency Conditions Leave. Thus, if a part-time employee typically works 8am-noon, Monday – Friday and the County opens at 10am one of those days due to a weather delay, the employee will only receive two hours of pay that day provided they report to work at 10am and work until noon.

When Non-Essential Employees report for work to support the necessary operations of County Government during a period of severe weather or emergency conditions for which there is an official delay or closing, they will receive their base rate of pay. FLSA overtime rules apply. Overtime is typically compensated as compensatory time and requires the approval of the employee's department director prior to being worked. Only the County Manager may approve employees to be paid monetary compensation rather than compensatory time for overtime hours worked during a severe weather or emergency event.

**Absences During Severe Weather or Emergency Events when the County is Operating Under a Normal Work Schedule**

***Preplanned Absences***

Employees already on vacation, out sick or on any kind of leave during an official delay or closing will not receive a reimbursement of hours for the delay or closing.

***Unplanned Absences***

In the event that the County operates on a delayed schedule, an employee is not required to report to work if he/she feels it would be unsafe for him/her to do so; however the employee must use personal leave time for any hours that the County operations were open.

When the County implements an official delay, employees are required to provide notice of an absence from work to his/her supervisor as soon as possible, but no later than 30 minutes after County Offices open. If your department enforces a stricter notification policy, you must follow your departmental policy on absence notification.

If an employee desires to leave work early due to inclement weather conditions, approval must be obtained from the supervisor prior to leaving. The employee must account for the hours not worked by using compensatory time, vacation, personal or sick leave.

## **SECTION 19. RANDOLPH COUNTY IDENTIFICATION (ID) BADGE POLICY**

*Adopted by the Board of County Commissioners as a standalone policy on 12-6-10. Policy was incorporated into the Randolph County Employee Policies and Procedures Manual effective April 1, 2014.*

Randolph County recognizes the need to provide proper identification for its employees and other individuals that represent the County to the public. The following guidelines have been established in regard to the administration of the Identification Badge Program in order to provide uniformity among County employees and representatives. This identification badge will be for identification purposes only and will not allow entrance into controlled facilities. All Randolph County Government employees are required to wear identification badges at all times while conducting business on behalf of Randolph County Government. The Randolph County Identification Badge Program is administered and maintained through the Randolph County Human Resources Department.

### **Procedures**

All Randolph County employees, including full time, part time, volunteers and project (temporary) employees will be issued picture identification badges. The Sheriff will designate those employees within his department that will be included in this policy. Requests for picture identification badges for other individuals must be approved by the Human Resources Director and Department Head.

Human Resources can also issue non-county employee identification badges to departments with contractual workers or volunteers. Department Heads will be responsible for notifying Human Resources of the need for such badges. Department Heads will also be responsible for tracking the usage and return of all such badges issued to their respective departments. These badges will clearly indicate contractor or volunteer status and are to be issued as needed and returned upon completion of the assignment. The Department Head should contact the Human Resources department when badges are needed and Human Resources will make every effort to complete the badges within 24 hours of receiving the request.

### **Badge Log and Design**

All identification badges have a consistent logo and format design. The design and format are the property of Randolph County and may not be reproduced.

### **Badge Content**

- A. **Name:** All badges will include the individual's first and last name as listed on the payroll logs, unless specifically approved by the Human Resources Director and Department Head.
- B. **Title:** Position titles will be included on badges for all employees.
- C. **Department:** The name of the employee's department will appear on the badge.
- D. **Credentials:** Credentials will be included on badges **only** for employees in high public contact positions (i.e. R.N.) and as required by law.

### **Issuing Identification Badges and Replacements**

The Randolph County Human Resources Department will issue all Randolph County Government identification badges with the exception of Emergency Services and the Sheriff's Office. The initial issuing of badges includes the following items:

- A. Clear Plastic Cover
- B. Basic Badge Clip

### **Initial Badges**

New employees will receive badges at the benefit enrollment session occurring on their first day of employment. The Human Resources Department will maintain the identification badge database.

### **Replacement Badges**

Human Resources will issue replacement identification badges using the existing database information. Upon request, replacements will be issued by Human Resources with 24 hours of a request being made. If an employee requires a replacement card due to his/her own negligence or need (lost, damaged, want a new photo, etc), he/she must notify Human Resources and pay a replacement cost of \$15.00. The \$15.00 replacement fee is due in full upon receipt of the new badge. Replacements will be issued free of charge for employees that transfer from one department to another.

### **Displaying Identification Badges**

Identification Badges are to be worn at all times while on County property and when conducting official County business. All badges are to be displayed at waist level or above, facing forward in plain view and not obstructed by clothing. Badges hanging or clipped below the waist are not acceptable. Should an employee wish to obtain a lanyard or alternative clip other than the standard clip and clear badge holder distributed by Human Resources, these additional items will be obtained at the employee's own expense and must receive approval from the employee's Department Head **prior** to usage.

**Care and Use of Identification Badges**

- A. Employees are individually responsible for their assigned Identification Badges. If lost or damaged due to the fault of the employee, the employee will be responsible for the replacement badge.
- B. If an Identification Badge is lost or damaged, the employee should notify the Human Resources Department within forty-eight (48) hours. The employee must call Human Resources to make an appointment to make a replacement badge.
- C. Employees shall not allow any other individual to use their identification badge. Such action may result in disciplinary action as determined by the Human Resources Director and Department Head.
- D. Identification Badges remain the property of Randolph County and must be returned to the Human Resources Department upon separation from the County.
- E. Badges shall not be altered or defaced in any way.

**SECTION 20. SEARCH AND SEIZURE OF COUNTY PROPERTY**

Searches and seizures are to be conducted in a legal manner. Randolph County reserves the right to conduct searches or inspections of County property assigned to an employee whenever a Department Head or his designee determines that the search is reasonable under all the circumstances.

# **ARTICLE VI: LEAVE POLICIES**

## **SECTION 1. HOLIDAYS**

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

New Year's Day	Spring Holiday (Good Friday)	Independence Day	Veterans' Day	Winter Holiday (3 days)*
Martin Luther King, Jr. Day	Memorial Day	Labor Day	Thanksgiving (2 days)	

*\*Typically Christmas Eve & Day. County will follow the State of North Carolina Holiday Schedule.*

### **Holiday Pay—Generally**

In order to be eligible for holiday pay, all eligible employees must have worked a full regularly scheduled workday before and after the holiday or have been on pre-approved paid leave. Departments with 24-hour operations or special services may request alternative holiday schedules for approval by the County Manager.

### **Holiday Pay—FMLA Considerations**

An employee on FMLA who has not exhausted his/her vacation and/or sick leave shall be paid holiday pay and the hours for the holiday will not be charged against their vacation/sick leave.

An employee on FMLA who has exhausted his/her vacation and sick leave (and is therefore on unpaid leave the day before or the day after the holiday) shall not receive holiday pay.

An employee on FMLA who has exhausted his/her vacation and sick leave and is granted shared leave from other employees shall be paid holiday pay, but the hours for the holiday shall be charged against his/her shared leave. If the donated shared leave is not sufficient to cover the holiday hours, then the employee shall not receive holiday pay.

### **Holiday Pay—General Leave Considerations**

If an employee is on general leave, with or without pay, holiday pay hours are charged against his/her leave accruals. Employees returning to active status from a general leave of absence must be active the day before a holiday in order to be paid for the holiday.

### **Working on a Holiday**

Employees required by his or her supervisor to perform work on regularly scheduled holidays shall be granted time off at another time or be paid for the holiday worked if prior approval has been granted. Holiday time shall be granted whenever feasible and shall be taken within six (6) months from the time it is earned. If an employee is terminated prior to taking this time off, he shall be paid for this time in the same manner as vacation.

### **Reduced Full-time Schedule Holidays**

Full-time employees who are regularly scheduled to work less than 40 hours per week (working 30-39 hours per week on an ongoing, regular basis) will receive prorated holiday pay based on the number of hours regularly worked per week.

## **SECTION 2. LEAVE ACCRUALS**

### **Eligibility to Receive Accruals while Working**

Sick and vacation leave accruals are afforded to fulltime employees. Part-time employees do not accrue leave. In order to receive sick or vacation leave accruals, an employee must work their regular full time work schedule for the entire pay period.

### **Eligibility to Receive Accruals while on Leave of Absence**

Employees receive leave accruals when on FMLA paid leave. If on FMLA unpaid leave, no accruals are received. Employees do not receive leave accruals on a General Leave of Absence, whether in pay status or not.

### **Advancement of Leave**

Additionally, the County will not advance sick, vacation or personal leave to employees. Thus, employees may not go into a "negative" leave accrual balance.

Should an exempt employee request leave when no leave is accrued, the Supervisor should contact Human Resources immediately. Very specific federal guidelines pertain to exempt employee wage payment.

### **Order in Which Leave Must be Taken**

Employees who have earned any compensatory leave must first take all earned compensatory leave prior to using sick, vacation or personal leave.

## **SECTION 3. VACATION LEAVE**

Vacation leave can be used for any personal reason. For the purpose of earning and accruing vacation leave, the period beginning January 1 and ending December 31 is established as the leave year. Due to shift assignments and work schedules in the

Emergency Medical Services department, specific vacation procedures will be documented and maintained in that department for 24-hour employees.

**Accrual Schedule**

Each full time salaried employee shall earn vacation leave on a monthly basis in accordance with the following schedule.

<b>Years of aggregate service</b>	<b>Hours earned per month</b>	<b>Hours earned per year</b>	<b>Days earned per year</b>
Less than 3 years	8 hours	96 hours	12 days
3, but less than 6 years	10 hours	120 hours	15 days
6, but less than 12 years	12 hours	144 hours	18 days
12, but less than 20 years	14 hours	168 hours	21 days
20 or more years	16 hours	192 hours	24 days

**Maximum Accumulation**

Vacation leave may be accumulated without any applicable maximum until December 31 of each calendar year. On December 31, any employee with more than 240 hours of vacation leave shall have the excess accumulation converted to sick leave so that only 240 hours are carried forward to January 1 of the next calendar year.

**Religious Observances**

Employees may wish to be away from work on certain days for religious observances. Department Heads should attempt to arrange the work schedule so that an employee may be allowed to utilize vacation when requested for the religious observance. This should be denied only when it would create an emergency condition which cannot be prevented in any other manner.

**Approval/Manner of Taking Leave**

Vacation leave earned by an employee shall be taken only upon **prior approval** of the immediate Supervisor and/or Department Head. Approval or denial may be based upon the department's operational needs and staff coverage. The County Manager will approve leave for Department Heads except the Sheriff, Register of Deeds and any Department Head with a governing board.

**Accrued Leave Payment Upon Separation of Employment**

**Voluntary Separation**

An employee who voluntarily separates from employment shall be paid for vacation leave accumulated to the date of separation, not to exceed a maximum of 240 hours provided that the resigning employee gives and works the proper notice, separates in good standing, and returns all County issued property on or prior to the last day worked. Notice requirements and good standing defined in Article VIII, Section 5.

***Involuntary Separation***

When an employee is involuntarily separated from employment, accumulated accrued leave payment will be forfeited by the employee.

While it is strictly against County policy to advance vacation leave, should leave be overdrawn due to a Supervisory or payroll oversight, any overdrawn vacation leave owed the County shall be deducted from the employee's final compensation.

***Payment for Vacation Leave Upon Death***

The estate of an employee who dies while employed by the County shall be entitled to payment for vacation leave credited to the employee's account, not to exceed a maximum of 240 hours.

***Previous Leave Credit***

A former employee who separated in "Good Standing," as defined in Article VIII, Section 5, of this Resolution, and is reinstated within three (3) years may receive credit for previous Randolph County service for the purpose of accruing vacation leave. The total number of months from the most recent period of previous service time will be recognized when the employee has been back in County service for twelve (12) months.

An employee who transfers to Randolph County from another North Carolina governmental agency or entity (that is a member of the NC retirement systems) without a break in service of more than thirty-one (31) days from his last day worked with the previous jurisdiction may be credited with prior service credit up to a maximum of 15 years for the purpose of accruing vacation leave. The total months of previous service time will be recognized when the employee has successfully completed twelve (12) months of service with Randolph County. If the employee has previous service with more than one other North Carolina governmental agency or entity or more than one stretch of employment with the same other North Carolina governmental agency or entity, previous leave credit shall only be granted for the most-recent period of service.

***Leave Records***

It is the responsibility of each department to maintain records reflecting hours worked and appropriate leave taken for each employee. The records shall be provided as required by the Finance Office for payroll action and are subject to review and audit. The official record, including original signatures, shall be retained for at least five (5) years.

**SECTION 4. SICK LEAVE**

Sick leave with pay is not a right which an employee may demand but a privilege granted by the Board of Commissioners. Each full-time employee occupying a

permanently established budgeted position shall earn sick leave on a monthly basis at the rate of eight (8) hours per calendar month. No employee shall be paid for any accrued sick leave at termination. An employee may be granted sick leave if the absence is due to:

1. Sickness or bodily injury which may prevent an employee from performing his regular duties.
2. Medical/dental appointments for the employee or the employee's child, spouse or parent.
3. The actual period of temporary disability caused or contributed to by pregnancy, miscarriage, childbirth, and recovery there from. Since there is no certainty as to when disability actually begins and ends, a doctor's certificate shall be required verifying the employee's period of temporary disability recognized as sick leave.
4. Illness or injury of a member of the employee's immediate family, as defined herein, which requires that the employee provide care to the family member.
5. Exposure to a contagious disease when continuous work might jeopardize the health of others.
6. Death in the employee's immediate family, as defined herein, not to exceed three (3) days, for any one occurrence (for use should bereavement leave be exhausted for each death occurrence).
7. Adverse weather conditions.

**Maximum Accumulation**

Sick leave will be cumulative for an unlimited number of hours.

**Physician's Certificate**

The employee's Department Head, Human Resources Director and/or County Manager may require a statement from the physician or other acceptable proof that the employee was unable to report for work to ensure that there will be no abuse of sick leave privileges. At the expiration of authorized sick leave, the employee's Department Head, Human Resources Director and/or County Manager may require a physician's certification to determine if the employee is able to resume normal duties.

**Retirement Credit for Accumulated Sick Leave**

Earned sick leave is allowed as creditable service at time of retirement to employees who are members of the North Carolina Local Governmental Employees' Retirement System. One (1) month of credit is allowed for each twenty (20) days of accrued sick leave when an employee retires, and an additional month is allowed for any part of twenty (20) days left over.

**Transfer from Other Agencies/Entities**

Unused sick leave earned from another North Carolina governmental agency and/or entity (i.e., a member of the North Carolina Local Government Employees' Retirement System, North Carolina Teachers' and State Employees' Retirement System, or other retirement systems authorized by the North Carolina Retirement Systems) shall be accepted and transferred to Randolph County according to the following provisions:

1. For sick leave to be accepted as transferred, the employment transfer must be completed within three (3) years from the employee's last workday with the previous agency/entity.
2. Verification of said accumulated sick leave must be received in writing from the previous authorized jurisdiction. Verification received in hours and minutes will be converted to the nearest whole hour.
3. The total number of hours accepted as transferred will be recorded and credited to the employee's sick leave account upon the completion of twelve (12) months of employment with Randolph County.

**Sick Leave Credit for Reinstated Employees**

Employees who resign and are reinstated with Randolph County within three (3) years shall have their unused sick leave balance reinstated to their sick leave account when the employee has been back in County service for twelve (12) months. Employees who resign and are not reinstated with Randolph County within a three (3) year period shall lose all sick leave credits.

**SECTION 5. PERSONAL DAY LEAVE**

Each full time employee receives one (1) personal day each calendar year. Personal days may be used for sickness (non-FMLA), vacation, adverse weather conditions, etc. Personal days differ from vacation and/or sick days in the following manner:

- A. Personal days are not accrued. Existing employees receive one (1) personal day at the beginning of each calendar year. New employees receive one (1) personal day after completing three months of employment and may also use the personal day within the six month probationary period.

- B. The value of a personal day does not exceed eight (8) hours. The value of the personal day will be prorated for those full time employees working 75-99% full time schedules.
- C. Personal days may not be rolled over from one calendar year to the next. You use it or you lose it.
- D. Personal days are not applicable to the same guidelines as vacation and sick leave. Therefore, any unused personal days or portions of unused days will not be paid out upon termination of employment, regardless of the notice given, nor can personal days be applied to any retirement benefits.
- E. Personal days may not be used for FMLA.
- F. Personal days may be used in increments, as small as one hour of time.
- G. Personal days may not be used once an employee has given their separation of employment notice. The only exception to taking the Personal day during an employee's notice period is retirement. An employee who is retiring must give at least one month's (20 business days) notice in order to use the personal day prior to termination of employment.
- H. The continued granting of the personal day is at the discretion of the County Manager and may be discontinued at any time, with or without notice, if business needs warrant.

## **SECTION 6. FAMILY MEDICAL LEAVE ACT (FMLA)**

The Family and Medical Leave Act was passed by Congress to balance the demands of the workplace with the needs of families. Its purpose is to promote the stability and economic security of families, to promote national interests in preserving family integrity, and to minimize the potential for employment discrimination on the basis of gender by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons.

### **Eligible Employees**

An employee who has been employed with Randolph County for a total of at least 12 months and who has worked at least 1250 hours during the past 12 months is entitled to a maximum of 12 weeks' leave (480 hours), paid or unpaid as herein provided, during a rolling backwards 12-month period for one or more of the following reasons:

1. Because the employee's own serious health condition makes the employee unable to perform his job;
2. Because of the birth of a child or when the employee becomes an adoptive or foster parent;
3. Because the employee is needed to care for a family member (child, spouse or parent) with a serious health condition;
4. Because of a "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan; or
5. Because the employee is needed to care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating; provided however that an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the service member.

### ***Spouses employed by Randolph County***

A husband and wife who are eligible for Family and Medical Leave and are both employed by Randolph County are permitted to take a combined total of 12 weeks (480 hours) of leave during a rolling backwards 12-month period if the leave is taken for the birth, adoption or foster care placement of a child. When both spouses use a portion of the combined FMLA leave entitlement, both the husband and wife are entitled to the difference between the amount he or she has taken individually and the 12 weeks (480 hours) of leave for other purposes. For example, if each spouse took six weeks (240 hours) of leave for the birth of a child, each could use an additional six weeks (240 hours) in the same rolling backwards 12-month period for any other bona fide FMLA covered absence.

### ***Definitions***

**Child.** A biological, adopted, or foster child, stepchild, a legal ward, or a child of a person standing "in loco parentis," who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability.

**Continuing treatment by a health care provider.** Consists of one or more of the following:

1. A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes

- Treatment two (2) or more times by or under the supervision of a health care provider (i.e. in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or
  - 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, etc.).
2. Any period of incapacity related to pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence.
  3. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, 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.
  4. 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.
  5. 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 (3) days if not treated.

**Covered family member.** For military caregiver leave, a covered family member is the spouse, son, daughter, parent, or next of kin of an employee who 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 illness or injury.

**Parent.** A biological parent or an individual who stands or stood in "loco parentis" to an employee when the employee was a child. This term does not include parent "in-law."

**Qualifying Exigency.** An eligible employee may take FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call or order to active federal duty in the National Guard or Reserves, in support of a contingency operation. Qualifying exigencies may include any of the following as defined in federal law:

- Issues arising from a covered military member's short notice deployment (i.e. deployment on 7 or less days of notice) for a period of 7 days from the date of notification;
- Military events and related activities;
- Certain childcare and related activities;

- Making or updating financial and legal arrangements;
- Attending counseling provided by someone other than a health care provider;
- Taking up to 5 days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities; and
- Any other event that the employee and employer agree is a qualifying exigency.

**Serious health condition.** This refers to an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (i.e. an overnight stay) in a hospital, or residential medical-care facility, including any period of incapacity (i.e. inability to work, attend school/workshops, or perform other daily activities) or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider (see Definition 3 above).

**Spouse.** A husband or wife as defined or recognized under North Carolina law for purpose of marriage.

***Effect of Holidays on FMLA Leave***

Regular holidays which occur during a FMLA paid leave period shall not be charged as vacation, sick, or other paid leave, but will be counted towards the 12 week (480 hour) FMLA allowance. Employees whose medical certification returns them to full duty active status from FMLA leave the day following a holiday will receive payment for the holiday.

***Intermittent Leave or Reduced Work Schedule***

Employees may take leave intermittently or on a reduced schedule to care for the employee's child, spouse, or parent who has a serious health condition, or because the employee has a serious health condition. If such leave is foreseeable, based on planned medical treatment, the Human Resources Director may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave.

If such leave does not adversely affect department operations and schedules and is approved by the Department Head and Human Resources, employees may be approved to take leave intermittently or on a reduced work schedule due to childbirth, adoption, or foster care. Such leave is not required under the FMLA.

## **Responsibilities**

### **Employee**

- A. The employee should notify his Supervisor and/or Department Head and Human Resources of the need for Family and Medical Leave in accordance with the FMLA notice requirements listed below.
- B. The employee should complete and return all required forms to Human Resources in a timely manner. Failure to provide a complete and sufficient medical certification, in accordance with the forms provided, may result in a denial of the employee's FMLA request.
- C. Failure to report at the expiration of the leave, unless an extension has been requested and granted, shall be considered as a resignation.
- D. If, at any point during FMLA leave, the employee decides not to return to work, the employee shall notify Human Resources and his Department Head immediately.
- E. When required by the County, the employee shall provide a fitness for duty statement from his health care provider prior to returning to work.

### **Employee - Foreseeable Leave Notification**

In general, the employee must give the employer at least 30 days advance notice of the need to take FMLA leave when he or she knows about the need for the leave in advance and it is possible and practical to do so. For example, if the employee is scheduled for surgery in two months, the need for leave is foreseeable and at least 30 days advance notice is required. If 30 days advance notice is not possible because the situation has changed or the employee does not know exactly when leave will be required, the employee must provide notice of the need for leave as soon as possible and practical. When the employee has no reasonable excuse for not providing at least 30 days advance notice, the employer may delay the FMLA leave until 30 days after the date notice is provided. When the employee could not have provided 30 days advance notice, but has no reasonable excuse for not providing a shorter period of advance notice, the employer may delay the FMLA leave by whatever amount of time that the employee delayed in notifying the employer.

In the case of FMLA leave for a qualifying exigency, the employee must give notice of the need for such leave as soon as possible and practical, regardless of how far in advance the leave is needed.

For planned medical treatment, the employee must consult with the employer and try to schedule the appointment at a time that minimizes the disruption to the employer. The

employee should consult with the employer prior to scheduling the treatment in order to arrange a schedule that best suits the needs of both the employee and employer. Of course, any schedule of treatment is subject to the approval of the treating health care provider.

***Employee – Unforeseeable Leave Notification***

When the need for leave is unexpected, the employee must provide notice to the employer as soon as possible and practical. It should generally be practicable for the employee to provide notice of leave that is unforeseeable within the time required by the employer's usual and customary notice requirements. For example, if the employee's child has a severe asthma attack and the employee takes the child to the emergency room, the employee is not required to leave the child to report the absence while the child is receiving emergency treatment.

When the employee does not give timely notice of unforeseeable leave and does not have a reasonable excuse, the employer may delay or deny the FMLA leave. The extent of an employer's ability to delay FMLA coverage for leave depends on the facts of the particular case.

***Supervisor***

The Supervisor and/or Department Head should ensure that the employee reports the need for FMLA to the Human Resources department and shall assist as requested by human resources in the effort to secure supporting documents as needed from the employee.

***Light or Transitional Duty Under FMLA***

The County does not allow "light or transitional duty" upon return to work from FMLA leaves where the employee is requesting such restrictions that would prevent him from performing all of the essential duties of the position. Having said that, should the employee not be able to report to full duty at the expiration of the FMLA leave, the employee should contact Human Resources and the Department Head prior to the leave expiration to pursue a request for a reduced or alternative work schedule. When appropriate, requests for "light or transitional duty" under FMLA will be treated as a request for Reasonable Accommodation under the Americans with Disabilities Act and must be approved by the County Attorney and the Human Resources Director per ADA guidelines.

***Certification***

1. A claim for leave because of adoption shall be supported by acceptable proof of adoption.

2. A claim for leave because of a serious illness of the employee or of the employee's child, spouse, or parent shall be supported by a doctor's certification that includes the following:
  - a. the date on which the serious health condition began;
  - b. the probable duration of the condition;
  - c. the appropriate medical facts regarding the condition;
  - d. a statement that the leave is needed to care for the child, spouse, or parent, and an estimate of the amount of time needed; or that the employee is unable to perform the functions of the position, whichever applies; and
  - e. where certification is necessary for intermittent leave for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment.
3. Where the Department Head or the Human Resources Director has reason to doubt the validity of the certification, the employee may be required to get the opinion of a second doctor designated or approved by the Human Resources Director. Where the second opinion differs from the original certification provided, the Human Resources Director may require the employee to get the opinion of a third doctor designated or approved jointly by the County and the employee. The third opinion is final and is binding on the County and the employee. The Human Resources Director may require that the employee get subsequent recertification on a reasonable basis. The second and third certification and the recertification shall be at Randolph County's expense.

### **Employment and Benefits Protection**

1. Reinstatement - The employee shall be reinstated to the same position held when the leave began or one of like status, pay, benefits, and other conditions of employment. The Human Resources Director or the Department Head may require the employee to report at reasonable intervals on the employee's status and intention to return to work. The Human Resources Director also may require that the employee obtain certification that he is able to return to work.
2. Benefits - The employee shall be reinstated without loss of benefits accrued when the leave began. All benefits accrue during any period of FMLA paid leave; however, no benefits will be accrued during any period of leave without pay.
3. Health Benefits - Randolph County shall maintain coverage for the employee under Randolph County's group health plan while on FMLA leave under the same terms and

at the same premium as if the employee continued to work. If the employee desires to continue dependent coverage, premiums must be paid to Randolph County by the first (1st) of each month. Randolph County may recover the employee premiums if the employee fails to return after the period of leave to which the employee is entitled has expired for a reason other than the continuation, recurrence, or onset of a serious health condition or circumstances beyond the employee's control.

**Conflict of Provisions**

In cases where the Family and Medical Leave Act of 1993 and the Randolph County Employee Policies and Procedures Manual are in conflict, the Family and Medical Leave will overrule.

**SECTION 7. BEREAVEMENT LEAVE**

When a death occurs in an employee's immediate family, an employee shall be granted up to 24 consecutive work hours of bereavement leave. Bereavement leave will be capped at no more than 48 hours per calendar year. Leave is prorated for employees working a full-time reduced schedule.

When a death occurs, the employee is to contact his or her supervisor as soon as possible, but no later than the next business day following the death, to arrange the necessary time off. Bereavement leave will not be considered as time worked for purposes of computing employee's overtime pay.

The County may request supporting documentation (obituary, death certificate, etc.) to support the request for bereavement leave.

**SECTION 8. LEAVE FOR PARENTAL/GUARDIAN INVOLVEMENT IN SCHOOLS**

N.C. law requires all employers to grant up to four hours per calendar year (not school year) of leave to any person who is a parent or guardian of a school-aged child so that they can become involved in school activities. "School" is defined as any public or private day school, preschool or child care facility. Employees shall use accrued vacation time, compensatory time, or his/her personal day for this purpose. An employee who does not have leave time may take unpaid leave for this purpose. Leave under this section is subject to the following conditions:

- The leave must be scheduled for a time that is mutually agreeable to the department and the employee.
- The employee must make a written request at least 48 hours before the leave begins.

- The employee may be required to provide written verification from the child's school that they attended or were involved in school activities during the time of leave.

## **SECTION 9. GENERAL LEAVE OF ABSENCE (NON-FMLA LEAVE)**

Employees, who are not eligible for or have exhausted their FMLA leave, may apply for a general leave of absence for a period of up to six (6) months. The following conditions apply:

- General Leaves of Absence must be requested by the employee at least thirty (30) days prior to commencement in writing to the Department Head. Leaves necessitated by emergency circumstances must be requested as soon as possible. Leaves necessitated by an illness or injury must be requested as soon as possible after an illness develops or injury occurs.
- All General Leaves of Absence must be approved by the Department Head and the Human Resources Director.
- Leave may be granted for reasons of personal or immediate family illness or injury, for completion of education, for special work which will permit the County to benefit by the experience gained or work performed, or for reasons of general benefit to the County. General Leaves of Absence may not be used for vacation.
- Requests for leave due to an illness or injury that constitutes a disability under the Americans with Disabilities Act, as amended, shall be considered and administered under the ADA policy contained herein.
- All employee accrued leave must be used in conjunction with the general leave of absence, and vacation and sick leave credits will not accrue during a general leave.
- Failure to report for duty at the expiration of a general leave, unless an extension has been requested and granted, shall be considered a resignation.
- The County will allow the employee to remain on the County's health insurance plan, including family coverage, during General leave under the same terms and with the same premiums as if the employee continued to work. An employee may remain on other County benefit plans at the employee's own expense. If an employee is in paid status and receives earnings during the general leave of absence, the County will deduct the additional benefit premiums from the employee's pay. If the employee is not in paid status or if the amount of the paycheck does not cover the total amount of premiums, the employee is required to make a payment for the difference. If payment is not made by the deadlines set forth, benefits will be

cancelled and notification of any COBRA rights will be sent directly to the employee's last known mailing address.

- Employees on leave will not be eligible for service awards or merit bonuses until they return to active duty.
- Other employment while on an authorized general leave of absence is prohibited.

### ***Return to Work***

The County will endeavor, to place employees returning from a general leave who have complied with all terms and conditions of the leave into their former position or one comparable in status and pay. However, reinstatement to the exact same position is not guaranteed to employees on general leaves as department needs during the employee absence may necessitate position changes.

If applicable, an employee may be required to provide certification from his/her health care provider that he/she is able to return to work and perform all essential job functions upon return from a general leave of absence.

## **SECTION 10. LEAVE WITHOUT PAY**

Taking time off without pay is allowed only when you have depleted all other leave accruals (sick, vacation, personal, holiday). It is scheduled through your Department Head. Time off without pay should only be used for emergency situations. This option is not allowed for vacations. Management may deny taking time off without pay if it causes a hardship for the department. Abuse of the time off without pay option may result in disciplinary action, up to and including termination.

## **SECTION 11. WORKERS' COMPENSATION LEAVE**

When any employee is injured as a result of a compensable accident or occupational illness covered by the Workers' Compensation Law the following procedures will apply:

1. When an employee is injured on the job as a result of a compensable injury or occupational illness and loses time from work while seeking medical attention due to the injury, the employee shall not be charged leave for time lost from work on the day of the injury.
2. Injured employees are expected to return to work following the initial medical treatment at our designated initial provider unless the treating physician indicates the employee must go home for the day.

3. In situations where the employee cannot return to work, the employee will be paid full salary for normal working hours on the day of the injury.
4. Time lost due to follow-up appointments after return to full duty with no restrictions will be charged to employee leave accounts. The employee is expected to make every effort to schedule such appointments either at the beginning or the end of his regular workday so as to minimize the amount of time needed away from work.
5. If the injury results in additional time away from work, the employee will be placed on Worker's Compensation Leave, and receive the Worker's Compensation weekly benefits after the required waiting period.
6. All Workers' Compensation leave will also be charged as Family Medical Leave pursuant to the Family Medical Leave Act.
7. The employee may elect to take sick, vacation or personal day leave during the required seven (7) day waiting period or may elect to go on Workers' Compensation Leave with no pay for the required waiting period.
8. Once an employee begins drawing Workers' Compensation pay, the employee will not be allowed to supplement the Worker's Compensation wages with any type of accrued leave (vacation, sick, personal or holiday).
9. Health benefits provided by the County to an employee will continue to be provided while on Workers' Compensation Leave for up to one (1) year total, whether the employee is out for a year at one time or intermittently. After that period, the employee may elect to continue the health benefits by electing COBRA. (Upon his / her return to work, the employee's health benefits will become effective without a waiting period).
10. Employees receiving Workers' Compensation benefits will not accrue vacation or sick leave and their local government retirement and 401k benefits are not paid during this period except as applied to Law Enforcement Officers only as outlined in NCGS 128-26.

***Adverse Reactions to Smallpox Vaccinations (Session Law 2003-169)***

Infection with smallpox, infection with vaccinia (the virus in smallpox), and any adverse medical reaction due to the employee's receiving vaccination against smallpox, is an occupational disease for purposes of Workers' Compensation Leave. This paragraph only covers documented adverse reactions and the associated absence from work due to employment-related smallpox inoculation pursuant to the Homeland Security Act and is not intended to apply to any other disabling procedure or event, nor is it intended to apply to adverse reactions pursuant to smallpox vaccinations for individuals who are not covered under the Homeland Security Act. Any covered employee who is absent from

work as a result of an adverse reaction to the smallpox vaccination shall be seen by our Workers' Compensation Initial Medical Provider and, if confirmed, the absences for the Workers' Compensation waiting period will be recorded as administrative leave and not charged to the employee's vacation, sick, or compensatory leave balances. Absences that extend beyond the waiting period will be administered within our existing Workers' Compensation procedure.

## **SECTION 12. MILITARY LEAVE FOR TRAINING**

Each employee who has achieved regular status and who is a member of the National Guard or Armed Forces Reserve shall be allowed two (2) weeks of military training leave annually with pay. If military duty is required beyond this two (2) week period, the employee shall be eligible to take accumulated vacation leave or be placed on leave-without-pay status. While taking military leave with pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the County during this period. Employees who are guardsmen and reservists have all job rights specified in the Veterans Readjustment Assistance Act.

## **SECTION 13. CIVIL LEAVE**

A Randolph County employee called for jury duty or as a court witness, except for the employee's own personal matter, for the federal or state government or a subdivision thereof is entitled to a leave with pay for the period of absence required. The employee is entitled to regular compensation, plus fees received for jury duty.

## **SECTION 14. SHARED LEAVE POLICY**

### ***Purpose***

This policy provides an opportunity for employees to assist another employee affected by a serious health condition of the employee or the employee's immediate family member.

### ***Eligibility***

A full-time employee with a minimum of 80 hours in his or her combined sick and vacation leave accrual banks at the beginning of the event for which shared leave is requested may request to become a recipient of leave transferred from another Randolph County employee's vacation leave account, subject to the limitations and conditions listed below.

- The individual will complete a "Request for Shared Leave" form, which will be given to the Department Head for initial approval and then be forwarded to the Human Resources Director for final approval. The individual must attach a doctor's

statement for verification. The medical condition will be held confidential and only a general statement "that a verified medical condition exists" will be issued when a request for leave donation is made.

- The requester must exhaust all of his own compensatory, vacation, sick and personal leave before shared/donated leave shall begin to be transferred.
- No individual will be granted more than 1040 hours of donated leave for a continuous medical problem or for an intermittent or recurring medical problem in any two (2) year period from the onset of the first shared hour.
- Any unused donated leave will be credited back to the donor(s) on a prorated basis. Fractions of hours will not be returned.

### ***Donation Procedure***

Donation of vacation leave will be accomplished by completing a "Donation of Vacation Leave Authorization" form, which will be forwarded to the Human Resources department. Vacation leave may be donated in increments of eight (8) hours. No individual may donate leave that will reduce his accumulated vacation leave balance to below forty (40) hours. The establishment of a leave "bank" for use by unnamed employees is strictly forbidden. Leave must be donated on a one-to-one basis. Any employee who voluntarily donates vacation leave cannot and shall not receive any pay, benefits, or other compensation/enumerations for the donated hours. No employee shall earn or accrue vacation or sick leave while receiving donated vacation leave. Forms must be submitted in a timely manner and will be processed according to the cut-off dates established for processing payroll.

Under no circumstance should the names of those donating shared leave be shared with the requesting employee by any other person other than the donating employee.

### ***Solicitation Procedure***

Once the shared leave request is approved, the Department Head or the Department Head's designee will send out the solicitation to their department's employees. Employees should not use County email to solicit shared leave on their own behalf. Nothing prohibits a Department Head from communicating the shared leave request with other Department Heads, who may share it with their employees at their discretion.

# **ARTICLE VII: EMPLOYEE BENEFITS**

## **SECTION 1. GROUP LIFE/HEALTH INSURANCE**

### **Group Life Insurance**

The County has made group life insurance available to its employees through the North Carolina Local Governmental Employees' Retirement System (NCLGERS). To be eligible for this benefit, an employee must have been a contributing member of the NCLGERS for at least one (1) year. If an employee dies while in active service, his beneficiary will receive a single lump sum payment calculated in accordance with the formula prescribed by the NCLGERS. This benefit is also paid if the employee dies within 180 days after the last day for which he is paid a salary.

### **Employee Group Health Insurance**

To be eligible for health insurance, a full-time employee must work at least thirty (30) hours per week. Employees shall be enrolled in the health insurance program 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 insurance coverage for dependents. Specific coverage amounts shall be governed by the County's contract with the insurance company. Upon separation of employment, COBRA benefits are offered consistent with policy and statutory authority.

- The employee's responsibility to pay for insurance expenses occurs whenever the employee works less than ½ the scheduled workdays in a month. Failure to pay the employee portion for 30 days will result in termination of insurance coverage.

### **Retiree Group Health Insurance**

*This policy was approved by the Board of County Commissioners on 1/01/04; amended 8/1/09, amended 10/3/11. Eligible full-time employees hired on or before 10/3/11 are grandfathered into the provisions of the previous policy. See Human Resources for a copy of the policy in effect on and prior to 10/3/11.*

- A. In recognition of service rendered to Randolph County, a health insurance program has been established, under the following criteria, for persons retiring after July 1, 1998. This program is not retroactive. All of the service statements outlined for retirees assume that the employee meets the NCLGERS requirements for early, full, or disability retirement. Application for early or full retirement benefits or retirement disability benefits must have been made by the time of termination for this policy to apply, except when a position is part of a reduction-in-force (RIF). In the event of a RIF, application must be made within 10 business days of the last day worked. In addition, years of service applicable towards this benefit are those years in which the employee would have been in a fulltime position eligible for group health insurance benefits.

- B. Those retiring with at least 20 years, of which the last ten (10) were continuous, but less than twenty-five (25) years of service in Randolph County government and who are 50 years of age or older shall be eligible to continue to be covered by the County medical plan. The County will pay 50% of the County's current contribution to the monthly premium until the individual becomes eligible for Medicare.
- C. Those retiring with at least 25 years, of which the last ten (10) were continuous, but less than thirty (30) years of service in Randolph County government and who are 50 years of age or older shall be eligible to continue to be covered by the County medical plan. The County will pay 75% of the County's current contribution to the monthly premium until the individual becomes eligible for Medicare.
- D. Those retiring with at least 30 years of service in Randolph County Government, of which the last ten (10) were continuous service in Randolph County government and are of any age, shall be eligible to continue to be covered by the County medical plan. The County will pay 100% of the County's current contribution to the monthly premium until the individual becomes eligible for Medicare.
- E. Those retiring with a disability with less than 20 years of service will be offered continuation of coverage via COBRA. For those retiring with 20 or more years of service, the insurance guidelines as outlined above in sections b-d will apply.
- F. If a "Public Safety Officer" or "Law Enforcement Officer" is placed on retirement due to injuries suffered as a direct and proximate result of a personal injury sustained in the line of duty while responding to an "emergency situation" or while in "hot pursuit" as defined by North Carolina State case law, he shall receive the same medical benefits as those given to 30-year retirees, as listed in "d" above, until the retiree becomes eligible for Medicare. For the purposes of this section, the following definitions apply:
  - (1) A Public Safety Officer is an individual serving a public agency in an official capacity, with or without compensation, such as a law enforcement officer, a firefighter, or rescue squad or ambulance crew.
  - (2) A Law Enforcement Officer means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including, but not limited to, police, corrections, probation, parole, and judicial officers.
- G. A retiree's spouse who was enrolled in the plan at least one (1) year prior to the retirement date may continue in the plan at the retiree's/spouse's expense, until the spouse becomes eligible for Medicare; provided however that the spouse's

participation in this plan may not last more than five (5) years after the date of the retiree's separation from employment. Dependents may be covered by the retiree's plan at his/her expense for so long as the insurance program recognizes their dependency, subject to all applicable state and federal laws, provided however that a dependent's participation in this plan may not last for more than five (5) years after the date of the retiree's separation from employment.

- H. Premium payments are due to the Randolph County Finance Department by the 25<sup>th</sup> of the month preceding the coverage dates. If premiums are not received within 30 days of the due date, coverage will be terminated. E.g. The December premium is due November 25<sup>th</sup>. If not received by December 25<sup>th</sup>, coverage will be terminated without notice and shall not be eligible for reinstatement.
- I. This program stands as offered and does not obligate the County to provide like services or monetary compensation for those who choose to seek other medical plans.
- J. This program may be modified or terminated at any time by Randolph County.

***County Commissioner Group Health Insurance***

*Adopted by the Board of County Commissioners as a standalone policy on 12/4/06, amended 10-3-11. Policy was incorporated into the Randolph County Employee Policies and Procedures Manual effective April 1, 2014.*

***Eligibility—Current Commissioners***

During his/her term of office, anyone serving as a county commissioner for the County of Randolph is eligible for the same health insurance coverage that is available to county employees. Furthermore, during his/her term of office, deductions shall be allowable, at the option of the commissioner, to provide health insurance coverage for dependents in the same manner and at the same rates as said coverage is available to employees' dependents.

***Eligibility—Commissioners Leaving Office***

- A. In recognition of service rendered to Randolph County, a health insurance program has been established, under the criteria contained in this policy, for persons leaving office after December 1, 2006. This program is not retroactive.
- B. Except as provided in subsection G below, those leaving office with at least twenty (20) but less than twenty-five (25) years, of which the last ten (10) were continuous, of service as a Randolph County commissioner and who are fifty (50) years of age or older shall be eligible to continue to be covered by the Randolph County medical insurance plan until the individual becomes eligible for Medicare. The County shall pay fifty percent (50%) of the premium; the other fifty percent (50%) shall be paid by the commissioner leaving office.

- C. Except as provided in subsection G below, those leaving office with at least twenty-five (25) years, of which the last ten (10) were continuous, but less than thirty (30) years of service as a Randolph County commissioner and who are fifty (50) years of age or older shall be eligible to continue coverage by the County's medical insurance plan until the individual becomes eligible for Medicare. The County shall pay seventy-five percent (75%) of the monthly premium; the other twenty-five percent (25%) shall be paid by the commissioner leaving office.
- D. Except as provided in subsection G below, those leaving office with at least thirty (30) years, of which the last ten (10) were continuous, of service as a Randolph County commissioner and who are fifty (50) years of age or older shall be eligible to continue to be covered by the Randolph County medical insurance plan until the individual becomes eligible for Medicare. The County shall pay one hundred percent (100%) of the monthly premium.
- E. Upon a commissioner's leaving office in good standing, a commissioner's spouse who was enrolled in the Randolph County medical insurance plan at least one (1) year prior to the commissioner's leaving office, may continue in the plan at the commissioner's/spouse's expense, until the spouse becomes eligible for Medicare; provided however that the spouse's participation in this plan may not last more than five (5) years after the date of the commissioner's leaving office. Dependents may be covered by the commissioner's plan at his/her expense for so long as the insurance program recognizes their dependency, subject to all applicable state and federal laws, provided however that a dependent's participation in this plan may not last for more than five (5) years after the date of the commissioner's leaving office.
- F. Premium payments are due to the Randolph County Finance Department by the 25<sup>th</sup> of the month preceding the coverage dates. If premiums are not received within 30 days of the due date, coverage will be terminated. E.g. The December premium is due November 25<sup>th</sup>. If not received by December 25<sup>th</sup>, coverage will be terminated without notice and shall not be eligible for reinstatement.
- G. Notwithstanding any of the foregoing, only those commissioners who leave office in good standing shall be eligible for continuing medical insurance coverage. No commissioner who leaves office for reasons of malfeasance shall be eligible for medical insurance coverage under this policy.

## **SECTION 2. RETIREMENT BENEFITS**

### **North Carolina Local Governmental Employees' Retirement System (NCLGERS) -**

1. Each employee in a position working a minimum of 1000 hours per year\*, as a condition of employment, must join the North Carolina Local Governmental Employees' Retirement System (NCLGERS) at the completion of the satisfactory probation period. Entry into the NCLGERS occurs on the first day of the month after six months of employment. Employees must contribute, through payroll deduction, six percent (6%) of the gross salary each month to the system. The County (employer) contributes an actuarially determined percentage of the gross payroll each month to the system.

\*The 1,000 is based on the employee's date of hire, not on the calendar or fiscal year.

2. When an individual begins his Randolph County employment and he already has an active account in the State or Local Government Retirement System, he may option to transfer credit into the retirement system at the time of appointment. The County requirement that new employees serve a six-month probationary period before participating in our retirement system is waived for these employees.
3. Upon date of hire, employees become eligible to enter two supplemental retirement income plans: NC (401K) and 457 plans outlined below.

***NCLGERS Special Separation Allowance for Sworn Law Enforcement Officers***

The County shall provide a special separation allowance to statutorily qualified officers who retire early or who leave service early and who meet all of the following qualifications:

1. The officer must have completed at least 5 years of continuous service as a law enforcement officer with Randolph County immediately prior to the service retirement;
2. The officer must have completed 30 years or more of creditable service, with at least 50% being in law enforcement, or have attained 55 years of age and completed five or more years of creditable service;
3. The officer must not yet be age 62.

The separation allowance ceases when the officer reaches age 62, dies, or is employed in a position with any local government, requiring participation in the North Carolina Local Government Employees' Retirement System.

***Supplemental Retirement Income Plans – 401k, 457 plans***

Upon date of hire, eligible employees are able to participate\* in two additional supplemental retirement plans – the NC deferred Compensation Plan (457) and the NC 401(k) Retirement Savings Plan. The County contributes a percentage match to all

employees (other than Sworn LEO)\* participating in the NC 401 (k) Retirement Savings Plan once the employee becomes eligible to participate in the North Carolina Local Governmental Employees' Retirement System.

\*Sworn Law Enforcement Officers automatically become eligible to be a member of the NC 401 (k) Retirement Savings Plan on the date they become a sworn officer. The county contributes 5% to the NC 401 (k) plan for all Sworn Law Enforcement Officers.

### **SECTION 3. OTHER ANCILLARY BENEFITS OFFERED**

In addition to the group health plan and retirement benefits listed above, the County offers an array of attractive ancillary benefits for eligible employees. The Human Resources Department has detailed eligibility information for these benefits.

### **SECTION 4. BENEFITS REQUIRED BY LAW**

Pursuant to Federal and State Laws, the County offers the following benefits:

- Worker's Compensation Insurance
- Unemployment Insurance/Compensation
- Social Security

### **SECTION 5. EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The Employee Assistance Program (EAP) is a benefit available to all County employees who may be in need of assistance with counseling during personal difficulties. The EAP is a supportive approach to resolving personal problems before they have a substantial impact on the employee and his job. The EAP provider serves Randolph County employees, their spouses, and their children up to the age specified by the provider living in the same household with coverage available 365 days a year, 24 hours a day, concerning a variety of behavioral/health problems.

The primary goal of the EAP is to restore the employee's well-being and his job performance. To accomplish this, the EAP will attempt to:

- Motivate the individual to voluntarily seek and accept the help offered through the EAP
- Protect the dignity of the employee by maintaining confidentiality.
- Retain valuable employees.

Another goal of the EAP is to provide the supervisor with a resource to offer employees experiencing personal problems. The EAP provides the supervisor with an additional resource he can use to retain our most valuable resource, the employee. Entry into the EAP can be initiated by either the employee or the employer. Supervisors wanting to

make a mandatory EAP referral must discuss the referral with the Human Resources Director prior to making the referral. Proceedings are held in strictest confidence between the EAP provider and the employee.

## **SECTION 6. SERVICE AWARDS**

Randolph County celebrates long-term employee service to the County annually at a Board of Commissioners meeting. Service Awards are recognized with a certificate and a token of appreciation for those employees and members of the Board of County Commissioners with 15, 20, 25 and 30 years of service.

### **Service Credit and Eligibility**

- Credit will be given for full time years of service only.
- If an employee has a break in service of three years or less, we will credit previous service to the Service Award. If the break in service is longer than three years, prior service will not be credited.
- Credit for service at other agencies (either State or Local Government) will not be counted towards the Randolph County Service Awards.

Employees who would have been eligible for a service award but are no longer employed when the awards are presented will not receive the service award.

## **SECTION 7. RETIREMENT RECOGNITION**

Randolph County celebrates the retirements of long-term employees throughout the year at Board of County Commissioners meetings. Employees retiring with 15, 20, 25 and 30 years of service in the North Carolina Local Governmental Employees' Retirement System (NCLGERS) are recognized with a token of appreciation by the members of the Board of County Commissioners

## **SECTION 8. MODIFICATION OF BENEFITS**

Nothing in this Manual shall preclude the County from adding, modifying, or terminating employee benefits at any time.

# **ARTICLE VIII: DISCIPLINARY ACTIONS, SEPARATIONS AND REINSTATEMENT**

## **SECTION 1: GENERAL PROVISIONS**

1. It is the intent of Randolph County to provide employees and management with a fair, clear and useful tool for correcting and improving performance problems, as well as for providing a process to assist management in handling instances of unacceptable personal conduct. In accordance with the provisions of this Article, disciplinary actions shall be administered in as near a uniform manner as possible in all departments.
2. Any employee, regardless of occupation, position, or profession, may be warned, demoted, suspended or dismissed by the appointing authority. Such disciplinary actions may be taken against full-time employees only for just cause. The degree and type of action taken shall be based upon the sound and considered judgment of the appointing authority in accordance with this Article.

## **SECTION 2: CONFLICT RESOLUTION**

Conflict resolution is an informal process whereby employees discuss their employment concerns with their Supervisor and Department Head in order to reach a mutual understanding or solution. This process is used to deal with concerns other than harassment/discrimination and adverse action. This is available to all employees and can be instituted by an employee by verbal request to his Supervisor. The County encourages employees and supervisors to engage in the conflict resolution process in order to prevent the progression of an issue into the disciplinary action stage.

## **SECTION 3: DEFINITIONS**

**Adverse Action.** A demotion, dismissal, reduction in pay, layoff, involuntary transfer or suspension without pay. A suspension with pay, whether for disciplinary or any other reason, is not considered an adverse employment action and does not qualify as a grievable action.

***Just Cause Defined***

Just cause can consist of any one or a combination of the following:

***Unsatisfactory Job Performance***

Defined as work-related performance that fails to satisfactorily meet job requirements as specified in the relevant job description, work plans or as directed by management of the work unit or agency. Failure to pay County taxes before such taxes become past due is also considered unsatisfactory job performance.

***Grossly Inefficient Job Performance***

Defined as instances in which the employee fails to satisfactorily perform job requirements as specified in the relevant job description, work plans or as directed by the management of the work unit or agency when that failure results in:

1. creation of the potential for death or serious harm to a client(s), an employee(s), members of the public or to a person(s) over whom the employee has responsibility; or
2. loss of or damage to agency property or funds that results in a serious impact on the agency and/or work unit; or
3. failure to maintain required credentials. Employees in classifications that require a certain license, registration, or certification in order to perform assigned job duties are responsible for obtaining and maintaining said credentials, and a failure to do so constitutes just cause for disciplinary action.

***Unacceptable Personal Conduct***

Defined as any one or a combination of the following:

1. conduct for which no reasonable person should expect to receive prior warning;
2. job-related conduct which constitutes a violation of state or federal law;
3. conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the agency;
4. willful violation of known or written work rules; including, but not limited to all county wide policies and procedures. It is recognized and accepted that a department may have internal guidelines and policies tailored to maximize the efficient fulfillment of that department's mission. A failure to adhere to these policies constitutes unacceptable personal conduct in the same manner as violation of a county-wide policy;
5. conduct unbecoming of an employee that is detrimental to the County's service;

6. abuse of a client(s), patient(s), student(s) or person(s) over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned or in the custody of the County;
7. falsification of an employment application, other employment documentation or employee work product;
8. insubordination, defined as the willful failure or refusal to carry out a reasonable order from an authorized Supervisor. Insubordination is considered unacceptable personal conduct for which any level of discipline, including dismissal, may be imposed without prior warning;
9. failure to report to work when scheduled without following departmental policy regarding absences except in extreme extenuating circumstances; or
10. violation of Workplace Violence Prevention Policy.

Employees terminated for just cause are typically not eligible for future employment with the County. Future employment of anyone terminated for just cause must be approved by the Department Head, Human Resources Director and County Manager.

## **SECTION 4. TYPES OF DISCIPLINARY ACTIONS**

### **Verbal Warning**

When a Supervisor determines that disciplinary action is appropriate for unsatisfactory job performance, a verbal warning is often the first type of disciplinary action that an employee should receive.

All verbal warnings should be documented by the supervisor in writing with the nature of the warning, the date it occurred and any other relevant information or attachments. No documentation should be sent to human resources for placement in the employee's personnel file.

### **Written Warning**

When a Supervisor determines that disciplinary action is appropriate for unsatisfactory job performance, a written warning may also be the first type of disciplinary action that an employee receives. Written warnings for grossly inefficient job performance or unacceptable personal conduct may be issued at the election of the Supervisor if the offense is not egregious enough to warrant automatic dismissal.

### ***Written Warning Requirements***

In order for a written warning to be official, a Supervisor must provide the employee with a written warning that meets the requirements outlined below:

1. Clearly informs the employee that it is an official written warning;
2. Clearly informs the employee of the specific issues that are the basis for the warning;
3. States the specific improvements, if applicable, that must be made to address these specific issues;
4. States the time frame allowed for making the required improvements/corrections. Absent a specified time frame, 60 days is the time frame allowed for correcting unsatisfactory job performance. Immediate correction is required for grossly inefficient job performance or unacceptable personal conduct; and
5. Clearly informs the employee of the consequences of failing to make the required improvements/corrections.

A copy of the written warning must be forwarded to the Human Resources Director to be placed in the employee's personnel file in order for it to be considered an official written warning.

### ***Suspension With Pay***

A suspension with pay may be used for any one or a combination of the following:

1. to provide time to investigate, establish facts, and reach a decision concerning an employee's status;
2. to provide time to schedule and hold a pre-disciplinary conference;
3. to avoid undue disruption of work or to protect the safety of persons or property.

A suspension with pay shall not exceed thirty (30) calendar days unless extended by management. Extensions shall be in writing to the employee and include the specific reason for the extension and the length of the extension.

A suspension with pay 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.

### ***Suspension Without Pay***

Any employee 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. When the offense is one that also constitutes unacceptable personal conduct, nothing in this section precludes management from proceeding directly to dismissal.

1. Unlawful harassment, including sexual, racial, disability, religious, national origin, or other protected characteristic or harassment for exercising a protected right.
2. Threatening, enticing, encouraging, or committing workplace violence, including physical assault, physical altercation, physical intimidation, including making another fear physical harm to self or property.
3. Theft, sabotage, or vandalism of property, including intellectual property, belonging to the employer or other employee.
4. Violation of the drug and alcohol policy.
5. Violations of state or federal laws, other than minor traffic violations.
6. Violations of serious OSHA requirements including failing to take established Personal Precautions and failing to use Personal Protective Equipment when required.
7. Abuse, neglect, or harassment of a patient or consumer of services.
8. Violating the rights of a consumer of services or patient receiving services as defined by state or federal law.
9. Exposing a patient or consumer of services to undue and unnecessary risk of injury or illness.

### ***Procedures for Placing an Employee on Suspension Without Pay***

To place an employee on suspension without pay, the appointing authority must comply with the following procedural requirements:

1. In matters of unsatisfactory job performance, the employee must have received at least one (1) prior disciplinary action before being placed on suspension without pay. In matters of grossly inefficient job performance, unacceptable personal conduct, or failure to maintain required credentials, no prior disciplinary actions are required;

2. Review the employee's actions and the proposed discipline with the Human Resources Director;
3. Schedule and conduct a meeting with the employee. Advance oral or written notice of the meeting must be given to the employee that includes the time, location, and the issue for which discipline has been recommended. The amount of advance notice should be as much as is practical under the circumstances;
4. Furnish the employee with a statement in writing setting forth the duration of the suspension, the specific acts or omissions that are the reasons for the suspension and advising the employee of any applicable appeal rights; and
5. Forward a copy of the written statement to the Human Resources Director to be placed in the employee's personnel file.

### **Demotion**

An employee may be demoted in accordance with the procedural requirements below for any reason constituting just cause. A demotion may take one of three forms:

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

To demote an employee, the appointing authority must comply with the following procedural requirements:

1. In matters of unsatisfactory job performance, the employee must have received at least one prior disciplinary action before being demoted. In matters of grossly inefficient job performance, unacceptable personal conduct, or failure to maintain required credentials, no prior disciplinary actions are required;
2. Review the employee's actions and the proposed discipline with the Human Resources Director;

3. Schedule and conduct a pre-disciplinary conference. Advance oral or written notice of the time, location, and issue for which discipline has been recommended must be provided to the employee. The amount of advance notice should be as much as is practicable under the circumstances;
4. Furnish the employee with a written statement setting forth the specific acts or omissions that are the reasons for the demotion, stating clearly how and to what extent the demotion will affect the employee's salary rate or pay grade, and advising the employee of any applicable appeal rights; and
5. Forward a copy of the written statement to the Human Resources Director to be placed in the personnel file.

### ***Dismissal for Unsatisfactory Job Performance***

In order to be dismissed for unsatisfactory job performance, an employee must first receive the following successive disciplinary actions:

- at least one (1) prior disciplinary action (a written warning or other more serious disciplinary action)
- a final written warning notifying the employee that failure to make the required improvements may result in dismissal.

These successive disciplinary actions do not have to concern the same type of unsatisfactory job performance, nor do these successive disciplinary actions have to concern the same type of just cause. For example, a final written warning for unacceptable job performance could follow an initial disciplinary action for grossly inefficient job performance, unacceptable personal conduct, or failure to maintain required credentials.

Once an employee has received the required prior disciplinary actions as outlined above, he may be dismissed pursuant to the dismissal procedures section of this article.

### ***Dismissal for Grossly Inefficient Job Performance or Unacceptable Personal Conduct***

An employee may be dismissed on the basis of grossly inefficient job performance or unacceptable personal conduct without any prior disciplinary action. However, nothing in this Article precludes management from using other disciplinary actions prior to proceeding to dismissal. The dismissal procedures outlined below must be followed.

### ***Dismissal Procedures***

For any dismissal of employment listed above, the last day physically worked will ordinarily be the date of termination recorded by the County. The appointing authority must comply with the following procedural requirements in dismissing an employee:

1. Review the employee's actions and the proposed discipline with the Human Resources Director;

2. Schedule a pre-disciplinary conference with the employee for any proposed dismissal based on unsatisfactory job performance or grossly inefficient job performance. With the exception of the Departments of Social Services and Public Health (for which all types of dismissal must have a pre-disciplinary conference), dismissals for unacceptable personal conduct do not necessitate a pre-disciplinary conference. Advance oral or written notice of the pre-disciplinary conference must be given to the employee detailing the time and location of the conference and the issue for which discipline has been recommended. The amount of advance notice should be as much as is practicable under the circumstances;
3. Conduct a pre-disciplinary conference with the employee. Attendance at this conference is limited to the employee and the person conducting the conference subject to the following exceptions. A second management representative, human resources and/or security personnel may be present at management's discretion. No attorneys representing either side may attend the conference. During the conference, the employee shall be given notice of the recommendation of dismissal, including specific reasons for the proposed dismissal and a summary of the information supporting that recommendation. The employee shall have an opportunity to respond to the proposed dismissal action and to offer arguments and information in support of his position but may not present witnesses.
4. Review and consider the response of the employee following the conference. To minimize the risk of dismissal upon erroneous information and to allow time for the review of all necessary information, a decision should not be communicated to the employee prior to the beginning of the business day immediately following the pre-disciplinary conference and no later than the end of the second business day following the conclusion of the pre-disciplinary conference. When extension of this time period is necessary for investigative or other purposes, the employee shall be notified.
5. If the decision is made to dismiss the employee, provide the employee with a written letter of dismissal detailing the specific reasons for dismissal, the effective date of the dismissal, and the employee's appeal rights. This letter shall be delivered to the employee in person or by certified mail, return receipt requested, to the employee's last known address. The effective date of the dismissal is ordinarily the last day physically worked unless determined otherwise by management but shall not be earlier than the letter of dismissal nor later than fourteen (14) calendar days after the date of said letter.
6. Forward a copy of the letter of dismissal to the Human Resources Director to be placed in the personnel file.

## **SECTION 5. SEPARATIONS OTHER THAN DISMISSAL**

For any separation of employment listed in this section, the last day physically worked will be the date of termination recorded by the County.

### ***Resignation in Good Standing***

Resignation in Good Standing occurs when an employee submits and works the required written notice of resignation outlined below. Such notice shall be provided to the immediate Supervisor. Department Heads shall give notice of resignation to the County Manager and, when appropriate, the appointing authority or governing body. An employee who resigns in "Good Standing" may be considered for future employment with the County.

### ***Notice of Separation Requirements***

The required written notice is two (2) weeks (10 business days) for non-supervisory employees and four (4) weeks (20 business days) for supervisory employees) prior to the effective date of resignation.

Notice requirements are not met if the employee gives a notice and proceeds to take compensatory accrued time, vacation, sick, personal or holiday leave during that notice. In order to be considered as meeting the requirements of the written notice, the employee must actually work 10 business days (non-supervisory) or 20 business days (supervisory).

There may be circumstances where the Department Head decides to waive the entire notice or any portion of the notice period. If the Department Head should decide to waive the entire notice or any portion of the notice, the employee will still receive payment for all accumulated vacation leave accrued through the last day worked provided the employee is separating voluntarily.

### ***Resignation Not in Good Standing***

A resignation "Not in Good Standing" occurs when:

1. An employee fails to submit and work the required written notice.
2. An employee fails to report to work following a general leave of absence;
3. An employee is absent from work three (3) or more consecutive working days/shifts without authorized leave – separation pursuant to this policy should not occur until the employing agency has undertaken reasonable efforts to locate the employee and consider circumstances. Nothing about this paragraph shall prevent a department head from taking disciplinary action, up to and including

dismissal, when an employee is absent for one or more days/shifts without authorization;

4. An employee, upon separation, fails to return all County-issued equipment;
5. An employee resigns to avoid announced disciplinary action.

An employee who leaves county employment under items 1-4 above will forfeit all vacation leave accrual payment.

An employee who resigns from County employment "Not in Good Standing" is normally ineligible for future employment with the County.

### **Reduction-In-Force**

In the event that a reduction-in-force becomes necessary, consideration shall be given to the needs of the organization, the seniority of the employee, and the quality of each employee's past performance. No employee who has achieved regular status shall be separated while there are probationary, temporary or part-time auxiliary employees serving in the same class in the department, unless the employee is not willing to transfer to the available position. Employees who are separated from employment due to a reduction-in-force shall be given at least two (2) weeks' notice of the anticipated reduction-in-force.

### **Disability**

An employee may be separated for disability when the employee cannot perform the essential functions of the position because of a physical or mental impairment. Prior to separation for disability, requests for accommodation(s) by the employee shall be explored pursuant to the County's Americans with Disabilities (ADA) policy.

### **Retirement**

When an employee meets the conditions set forth under the provisions of any retirement plan adopted by the Board of County Commissioners for County employees, he may elect to retire and receive all benefits earned under said retirement plan.

### **Death**

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

## **SECTION 6. REINSTATEMENT**

An employee who resigns while in "Good Standing" or who is separated because of reduction-in-force may be reinstated within three (3) years of the date of separation, with the approval of the Department Head and the Human Resources Director.

A former employee with a break in service longer than thirty-one (31) calendar days may be reinstated to regular status, provided he/she had achieved it formerly, and appointed to the same salary as at separation if the reinstatement occurs within one (1) year following the date of separation. The Department Head, with approval of the Human Resources Director, may choose to offer reinstatement with a probationary appointment.

An employee who enters extended active duty with Armed Forces of the United States, the Public Health Service or with a Reserve component of the Armed Forces will be granted reinstatement rights commensurate with Chapter 43 of Public Law 93-508. An employee who is reinstated pursuant to Chapter 43 shall be credited with previous service time and previously accrued sick leave.

## **ARTICLE IX: GRIEVANCE PROCEDURE**

The County is committed to providing employees an effective and responsive grievance and conflict resolution process. **In this Article, the term “days” refers to calendar days.**

### **SECTION 1: DEFINITIONS**

**Career Status.** Employees in the Public Health Department and Department of Social Services are subject to the State Human Resources Act and are afforded rights of appeal to the Office of State Human Resources once they achieve career status. Career status for these employees is achieved when an employee has completed 12 continuous months of employment in a position subject to the State Human Resources Act, whether as employees of Randolph County government or as employees of another office or agency. However, when an employee transfers to another office or agency, that employee's career status is suspended during his/her probationary period and restored upon successful completion of the probationary period if the transfer was completed within 31 calendar days. Career status is lost when an employee experiences a break in service of more than 31 days. (25 NCAC 011.2002)

**Grievance.** A claim or complaint by an employee based upon an event or condition which affects the circumstances under which the employee works. A grievance may involve allegations of involuntary demotion, suspension, dismissal, harassment, and discriminatory practices. A grievance is not allowed for performance evaluations, investigatory suspensions, and voluntary demotions. An employee in a grant-funded position may not file a grievance based on an employment decision that is a result of lack of funding.

### **SECTION 2. GRIEVANCE FOR ADVERSE ACTION**

- A. When a full-time employee is dissatisfied with an adverse action of demotion, suspension, dismissal, or reduction-in-force, he may file a formal written grievance with his Department Head as provided below.
- B. While every effort shall be made to expedite the grievance process, the time limits contained in this Section may be extended when approved by the Human Resources Director. Provided, however, that the fifteen (15) day time limit, outlined below, to initially file a grievance shall not be extended. Grievances filed outside of this fifteen (15) day time period shall be dismissed.
- C. In filing a grievance, the following steps shall be taken:

1. The employee shall present the grievance in writing to the Department Head within fifteen (15) days of the date that the issue is made known to the employee. The grievance should contain the following information: the decision or action that the employee does not agree with, the basis on which the action is wrong or unfair, and the proposed resolution that the employee is seeking. The employee shall also file a copy of the grievance with the Human Resources Director.
2. Upon receipt of the grievance, the Department Head shall arrange for the employee to present his case within fifteen (15) days. The employee may not be represented or assisted by others at this level of the grievance, but may present evidence or have witnesses testify. The Department Head will make a decision within ten (10) days after the hearing, and a written copy of this decision will be immediately furnished to the employee, the Human Resources Director and the County Manager.
3. If the employee is not satisfied with the Department Head's decision, the employee may request that the grievance be referred to the County Manager. This request must be made to the Human Resources Director, in writing, within ten (10) days after the Department Head's decision.
4. The County Manager shall hear the employee's concerns, review the written documents and supporting evidence, and consult with whatever other sources he deems appropriate. The employee may not be represented or assisted by others at this level of the grievance, but may present evidence or have witnesses testify. The County Manager shall present his decision, in writing, to the employee and the Department Head within fifteen (15) days after completing the hearing. In appeals involving Office of State Human Resources (OSHR) employees, the County Manager will hear the appeal and consult with the Public Health Director or Department of Social Services Director.

The decision of the County Manager ends the formal grievance process and is the final and binding decision of the County. By general statute, the final decision of the Public Health or Social Services director will be the final binding decision of the County for all OSHR employee appeals.

### **SECTION 3. EMPLOYEES SUBJECT TO STATE HUMAN RESOURCES ACT**

Public Health and Department of Social Services employees must first exhaust the County grievance policy outlined above in Section 2 of this Article. If unhappy with the County resolution, all Health and DSS employees with career status can then appeal to the Office of State Human Resources. If the grievance is in regard to harassment or discrimination, the employee may avail himself of the County harassment complaint procedure or may appeal directly to the Office of Administrative Hearings within thirty

(30) days of the alleged harassment/discriminatory act. Copies of grievance/complaints filed with the Office of State Human resources must also be sent to the Department Head, the Human Resources Director and the County Manager.

All decisions by the State Human Resource Commission, other than cases of harassment or discrimination, shall be advisory to the local appointing authority as defined by statute.

#### **SECTION 4. MAINTENANCE OF GRIEVANCE RECORDS**

The Human Resources Director shall keep a file of all grievances and complaints filed. If a grievance/complaint is withdrawn, the record shall include a statement from the complainant indicating the reason for withdrawal.

The records described in A above shall be retained by the Human Resources Director for a minimum of three (3) years and are subject to review by the complainants, the complainant's Department Head, the County Manager, and the County Commissioners.