Your Career with Duplin County Government

Employee Personnel Policies

County Commissioners Adopted September 15, 2014

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DUPLIN COUNTY PERSONNEL POLICY

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WELCOME DUPLIN COUNTY EMPLOYEES

The Duplin County Board of County Commissioners welcomes you as an employee of Duplin County Government and wishes you every success during your career with Duplin County. Each employee individually contributes to the growth and success of Duplin County Government and it is the hope of the Board of Commissioners that you take pride in working for Duplin County.

The Duplin County Board of Commissioners adopted the following:

INTEGRITY, TRUST, AND RESPECT

- ☐ We believe in operating with integrity, trust and respect, both as individuals and as a County Government.
- ☐ We conduct ourselves within the spirit and letter of the laws, regulations, agreements, and policies that govern us.
- ☐ We are honest with one another and with our stakeholders, fully disclosing all appropriate information, and not just which supports our point of view.
- ☐ We have the courage to do what is right.

INNOVATION AND CREATIVITY

- ☐ We believe in driving creativity in what we do, resulting in innovation and continuous improvement in our county government processes and operations.
- ☐ We encourage everyone to think about things differently and to think about different things, bringing vigorous challenge to everything we do.
- ☐ We build and develop ideas through collaborative leadership and by fully utilizing the talents within our county.
- ☐ We seek to make our processes more efficient while maintaining a high level of quality.

ACCOUNTABILITY

- ☐ Accepting responsibility for our job performances, actions, behavior and the resources entrusted to us.
- ☐ Being accountable means fulfilling your obligations and carrying out your assigned tasks on time.
- ☐ Living up to and carrying out the values we have adopted as a county.
- ☐ Being honest and truthful with our interaction with employees, management, and the public, this will foster trust and integrity

EQUAL OPPORTUNITY

- ☐ Provide a work environment which is fair to all current and prospective employees through equal treatment in employee benefits, promotions, training, continuing education and daily responsibilities.
- ☐ Exhibit the behavior of fairness to all employees and citizens.
- ☐ Be open-minded and listen to others.
- ☐ Be equitable and impartial

Employees play a critical role in Duplin County's strategic priorities and all employees are encouraged to always strive to achieve excellence. As an employee, you should realize that the future opportunities which may come available are dependent to a great extent on the manner in which you apply and conduct yourself in the performance of your job duties. Thank you for being a part of the Duplin County Government team!

POLICY DISCLAIMER

Duplin County Board of Commissioners is making these Employee Personnel Policies available to provide important information about your employment with Duplin County. Whether you are a new employee or have been a Duplin County employee for many years, we believe you will find the information contained in the Employee Personnel Policies useful in understanding your responsibilities as a Duplin County employee and in explaining the benefits available to you.

These Employee Personnel Policies provide the County with a framework to promote consistent human resource management practices and procedures throughout all County departments. We believe these policies promote a work environment that helps employees perform their duties to the best of their abilities. In this way, the Employee Personnel Policies positively contribute to the County's efforts to provide the most efficient and responsible service to the County's citizens.

Employees are responsible for becoming familiar and complying with the content of these policies. If you have questions about any of the policies and how they apply to you, you are encouraged to contact your supervisor or Human Resources for more information.

The Employee Personnel Policies do not constitute a guarantee or contract of employment and the County reserves the right to change, revoke, interpret, or add to any of these policies at any time at its sole discretion without prior notice. The County is an "at-will" employer and retains the right to terminate employment at any time and for any reason not prohibited by law. Employees subject to the State Personnel Act are exempt from the at-will classification upon completion of their prescribed career status period.

The Employee Personnel Policies cannot cover every possible situation that may arise. There may be amendments to the Employee Personnel Policies over time. As policies are amended, employees will be notified of the changes. The most current version of the Employee Personnel Policies will also be posted on the County's Internet**.**

ARTICLE I – GENERAL PURPOSE AND SCOPE

Section 1. Purpose

The policies contained in the Employee Personnel Policies have been adopted by the Duplin County Board of Commissioners to establish a human resources system that provides for the recruitment, selection, and continuous development of an effective workforce, responsive to the needs of Duplin County residents. The policies are adopted pursuant to the State of North Carolina General Statutes 126 and 153A.

With the adoption of these Employee Personnel Policies, the Duplin County Board of Commissioners is making a good faith effort to comply with all applicable state and federal laws and regulations. While adoption of these policies culminates a comprehensive review and update of the County's personnel policies, the Duplin County Board of Commissioners recognizes that these policies are not a complete and exhaustive set of policies or procedures that govern employment with the County. The Duplin County Board of Commissioners also recognizes that periodic updates and revisions of these personnel policies will be necessary. Changes in personnel policies adopted by the Duplin County Board of Commissioners will be communicated promptly to all employees.

Section 2. Coverage

All employees in the County's service are subject to these policies except as specified in this section.

A. Board of Commissioners and Elected Officials
B. The County Manager and County Attorney are at-will employees appointed by the Board of Commissioners.
C. Employees subject to the State Personnel Act are subject to the Duplin County Employee Personnel Policies except for policies pertaining to recruitment, classification, qualification, and disciplinary action, unless these policies have been deemed "substantially equivalent."
D. Members of advisory boards and commissions and special boards, task forces, and committees
E. Employees of the Sheriff and Register of Deeds are subject to these personnel policies with the exception that they serve at the will of those elected officials. The Sheriff and Register of Deeds have the right to hire and terminate employees in their respective departments under the authority of N.C.G.S. 153A-103.
F. Employees of the Cooperative Extension Service are exempt from these policies except for those positions budgeted by Duplin County.
G. Advanced Life Support (ALS) practioners in Emergency Management Services essentially serve at the will of the Medical Director.
H. Employees of the Board of Elections are subject to this policy as defined in the Memorandum of Understanding between the Duplin County Board of Elections and the County of Duplin except the County Board of Elections shall appoint and remove election clerks, assistant clerks, and other election employees under the authority of N.C.G.S. 163-33 (10). The Executive Secretary-Director of the State Board of Elections appoints the Director of Elections. The Executive Secretary-Director can render a decision to terminate the County Director of Elections following procedures set out in N.C.G.S. 163-35 (b).
I. Temporary or Substitute employees, as designated by the Board of Commissioners, shall be subject to all Articles and sections except those where they are specifically listed as exempt.

Section 3. Employee Classifications

A. **Full-time Employee:** An employee, either regular or temporary, who is regularly scheduled to work forty (40) hours per week as defined under the Fair Labor Standards Act or 2080 hours a year. A full-time employee is assigned a grade on the Duplin County payroll plan.

B. **Part-time Employee**: An employee, who is regularly scheduled less than forty (40) hours per week as defined under the Fair Labor Standards Act or less than 2080 hours a year and is filling a budgeted position that is assigned a grade and step within the budget. There are no County benefits associated with a part-time position unless the individual works twenty (20) or more hours per week except for Workers' Compensation, FICA and Unemployment Insurance. Part-time employees are assigned a grade on the payroll plan. Part-time employees that work 30 hours or more a week are eligible for the county's contribution towards health insurance in accordance with the Affordable Care Act. Part-time employees budgeted to work 1,000 or more hours per calendar year will be eligible for retirement benefits with the Local Government Retirement System. Part-time employees who work at least 1250 hours in a year are provided FMLA leave if requested for a qualifying reason.

C. **Probationary Employee**: A person appointed to a budgeted position who has not yet completed the probationary period.

D. **Permanent Full-time Employee**: An employee subject to the State Personnel Act, who has successfully completed the prescribed probationary period and is regularly scheduled to work forty (40) hours per week as defined under the Fair Labor Standards Act.

E. **Permanent Part-time Employee**: An employee subject to the State Personnel Act, who has successfully completed the prescribed probationary period and is regularly, scheduled less than forty (40) hours per week as defined under the Fair Labors Standards Act.

F. **Regular Employee**: An employee who is not subject to the State Personnel Act that has successfully completed the prescribed probationary period. All County positions are subject to budget review and approval each year by the County Board of Commissioners, and all employees' work and conduct must meet standards of performance and behavior. Therefore, reference to "regular" employees is not to be construed as a contract or right to perpetual funding or employment, and does not affect the "at-will" status of the employment relationship.

The following classifications are not eligible for benefits and no service credit shall be given for time worked until transferred/hired into a regular position that has been budgeted within the budget with an associated grade and step unless otherwise noted.

G. **Temporary or Substitute Employee**: A person appointed to serve in a position less than 1,000 hours per calendar year or an employee serving on an as needed basis to fill in for other employees. Temporary employees do not have individual budgeted positions. Temporary employees are budgeted as a group with a lump sum dollar amount available for the employees appointed. Temporary employees are not approved to be used as a full time or a part time employee. Temporary employees can substitute for other employees or work as needed. Temporary employees may or may not be assigned a grade and step on the payroll plan. Temporary employees are not considered permanent employees and may or may not be put on a work schedule. Temporary employees are not guaranteed hours. Temporary employees who work 30 or more hours may participate in the county's health insurance plan in accordance with the Affordable Care Act. Temporary employees who work at least 1250 hours in a year may be eligible for FMLA leave if requested for a qualifying reason. Temporary employees do not earn leave and are not eligible for holiday pay. Temporary employees that meet the 1,000 hour threshold in a calendar year cannot work during the remainder of that calendar year. If the temporary employee is worked beyond the pay period that they meet the 1,000 hour threshold the department head will be scheduled on the next Commissioners agenda to seek approval from the Board of Commissioners to establish a part-time position in their department.

H. **Seasonal Employee:** A temporary employee who works in a position which is seasonal in nature and does not work more than thirty-six (36) weeks in any calendar year and who is exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act.

I. **Volunteer:** A person who donates their time and energy without receiving financial or material gain. The individual would need to (1) work toward public service, religious, or humanitarian objectives; (2) not expect or receive compensation for services; and (3) not displace any genuine employees. Individuals cannot volunteer to do the same type of work that they perform as a part of their normal work duties.

J. **Intern.** A person who receives college credit by completing educational tasks and not "busy work." An intern cannot displace existing employees. An intern usually has a contract/agreement that is signed between the school and the employer with the criteria of the internship and completes a paper, project, presentation after the internship to share what is learned with the professor and/or class. Students are not automatically entitled to a job at the conclusion of the training.

Section 4. Definitions

Alcohol/Substance Abuse: Consists of any use of illegal drugs or controlled prescription drugs obtained unlawfully; or excessive use of lawfully obtained prescription drugs or over-the-counter drugs or alcohol when such use substantially impairs job performance, alters work behavior, and/or creates a risk to the health and/or safety of the employee or others.

Allocation: The approval of a position by the appropriate authority based upon the needs of the County.

Applicant: One who places himself or herself in competition for a vacant position by virtue of completing and submitting an application for employment regardless of employment status.

Authorized Absence: An employee absence approved by the County after proper notification (reason for absence and estimated length of absence).

Benefit-Earning Status: Regular or permanent employees who are regularly scheduled to work a minimum of forty (40) hours per week are eligible for at least a pro-rated portion of employer provided benefits. Regular or permanent part-time employees who are regularly scheduled to work less than forty (40) hours per week may be eligible for a pro-rated portion of employer provided benefits depending on their standard hour's classification. Temporary and seasonal employees are not eligible to receive County benefits.

Board of County Commissioners: The local government unit charged with the legislative affairs of the County.

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

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

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

Compensatory Overtime: Time earned at a rate of time and one-half by a non-exempt employee for hours worked in excess of 40 hours in a workweek or, in case of law enforcement, in excess of 86 hours in a 14-day period.

Compensatory Straight Time: Time for time earned by an exempt employee for hours worked in excess of 40 hours in a workweek.

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

Cost of Living Adjustment (COLA): An adjustment in pay that takes into consideration the impact of inflation on purchasing power.

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

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

Drug: A controlled substance as defined in NCGS 90-87(5) or a metabolite thereof. These substances include, but are not limited to, marijuana, cocaine, heroin, prescription drugs, alcohol, opiates, amphetamines,

and synthetically produced drugs or other impairing substances. Drugs, unless the context indicates otherwise, does not include non-controlled, over-the-counter drugs.

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

FLSA: Fair Labor Standards Act is a federal statute defining minimum wage and overtime compensation, and classifying positions as exempt or non-exempt.

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

Full-time Equivalent (FTE): The number of hours worked per annum in relationship to a full-time position. The County uses 2,080 hours to calculate FTE.

Hostile Work Environment: A work environment that both a reasonable person would find hostile or abusive and one that the particular person who is object of the harassment perceives to be hostile or abusive.

Immediate Family: Unless otherwise specified, immediate family means spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, plus the various combinations of half, step, in-law and adopted relationships that can be derived from these named.

Merit Increase: An increase in pay as determined by the applicable compensation plan, based upon performance criteria and market salary comparisons.

Merit Principle: A systematic and uniform method of personnel administration designed to provide objective recruiting, employment, retention and promotion of those persons best qualified, all other factors excluded.

Non-exempt Employee: An employee who is entitled to minimum wage and overtime compensation pursuant to the Fair Labor Standards Act.

Overtime: Work performed at the express authorization of the County in excess of forty (40) hours in a seven (7) day period as defined by the Fair Labor Standards Act.

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

Position: A group of duties and responsibilities assigned to a department, based upon the needs of the County that may be performed by one or more employees, not to exceed the full-time equivalent (FTE) of the position.

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

Quid Pro Quo: Harassment that consists of unwelcome sexual advances, request for sexual favors, or other verbal, visual, written or physical conduct of a sexual nature when the employee is told or threatened expressed or implied that submission to the conduct will influence any personnel decision.

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

Reduction in Force (RIF): The abolishment of or reduction of a position or some portion of a position based on needs of the organization, workload, and availability of funding.

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

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

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

Retaliation: Adverse treatment which occurs because of opposition to unlawful workplace harassment. The law forbids retaliation when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits and any other term or condition of employment.

Salary Range: A minimum rate of pay to a maximum rate of pay assigned to a pay grade within the Compensation Plan.

State Personnel Act: North Carolina General Statute 126, which governs employees covered by State personnel policies. In the event that Duplin County's Employee Personnel Policies conflict with state personnel policies for employees subject to the State Personnel Act, state personnel policies established under the State Personnel Act will prevail.

Termination: An involuntary separation of an individual's employment initiated by the County.

Time Limited Appointment: A permanent or part-time appointment which is approved for a specific period of time not to exceed 2 years or not to exceed the grant timeline. Time-limited appointments are made, but are not limited to, filling vacancies due to an incumbent's leave of absence, in response to unusual workload demands, vacancies in the workforce, or specific to position funding such as grants which expire after a specified time.

Trainee: An employee designated as such, appointed to a position in any class for which the County Manager, Department Head, Director of Human Resources and Office of State Human Resources (OSHR) formerly Office of State Personnel (OSP) has authorized "trainee" appointments. An individual may not be appointed as a trainee if he/she possesses the acceptable training, education and experience for the regular class, and must be appointed to the regular class when he/she gains the acceptable training, education and experience.

Transfer: Movement of an employee from one job class to another within the County where the pay grade remains the same as the former position.

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

Unlawful Workplace Harassment: Unwelcome and unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color or disability that creates a hostile work environment or upon a quid pro quo.

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

Voluntary Reassignment: A voluntary reassignment is a change in employment to a position in a lower pay grade, in a higher pay grade or in the same pay grade that is mutually agreed to by the employee and the employer.

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

Section 5. Responsibilities of the Board of Commissioners

Pursuant to North Carolina General Statutes, the Duplin County Board of Commissioners is responsible for adopting personnel policies and managing them as necessary, adopting the classification and pay plan and amending the plan as necessary to maintain a plan that is fair and equitable, confirming appointments as required by law, and fulfilling other responsibilities that may be established by state statute. The Board of Commissioners shall establish office hours, workdays and holidays to be observed by the various offices, departments, boards, commissions and agencies of the County per N.C.G.S. 153A-94. The County Manager is designated to serve as Personnel Officer by the Board of Commissioners.

Section 6. Responsibilities of Elected Officials

Pursuant to North Carolina General Statute 153A-103, the Sheriff and the Register of Deeds have the exclusive authority to hire, discharge, and supervise the employees of their respective departments. These policies apply to the employees of the Sheriff and Register of Deeds to the extent they do not conflict or usurp the authority granted under N.C.G.S. 153A-103.

Section 7. Responsibilities of County Manager

Pursuant to North Carolina General Statute 153A-82, the County Manager is the chief administrator of County Government and responsible to the Board of County Commissioners for the administration of all departments of county government under the board's general control. The County manager is authorized to appoint, discipline, suspend, and remove all County officers and employees, except those elected by the people or employees whose appointment is otherwise provided for by law or those specifically exempt such as employees subject to the State Personnel Act. For employees subject to the State Personnel Act, the respective Agency Director is authorized to appoint, discipline, suspend, and remove those covered employees. The County Manager shall make appointments, dismissals, and suspensions in accordance with N.C.G.S. 153A-82 and these employee personnel policies. Pursuant to N.C.G.S. 153A-92(c), the County Manager is responsible for preparing position classification and pay plans for submission to the Board of Commissioners and for administering the pay plan and any position classification plan in accordance with the general policies and directives adopted by the Board.

North Carolina General Statute 153A-82 further states:

- The County Manager shall attend all meetings of the Board of Commissioners and recommend any measures that he considers expedient.
- He shall see that the orders, ordinances, resolutions, and regulations of the Board of Commissioners are faithfully executed within the county.
- He shall prepare and submit the annual budget and capital program to the Board of Commissioners.
- He shall annually submit to the Board of Commissioners and make available to the public a complete report on the finances and administrative activities of the County as of the end of the fiscal year.
- He shall make any other reports that the Board of Commissions may require concerning the operations of county officers, departments, boards, commissions and agencies.
- He shall perform any other duties that may be required or authorized by the Board of Commissioners. (1927, c.91, ss.. 6, 7; 1973, c. 822, s. 1.)

Section 8. Responsibilities of Personnel Officer – Human Resources Director

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

- Apply, interpret, and carry out these employee personnel policies, and the policies adopted hereunder, as directed by the County Manager;
- Establish and maintain records relating to all persons in County employment or service;
- Develop and administer recruiting policies and programs to attract qualified applicants to meet the needs of the County; qualified applications will be forwarded to the individual agencies;
- Encourage and exercise leadership in development of an effective personnel administration within various County departments;

- Investigate as necessary and appropriate, the time, operation and effect of these personnel policies and other policies as appropriate;
- Make recommendations, as appropriate, to the County Manager or the Board of Commissioners regarding County personnel functions;
- Issue and publish, as necessary, administrative directives, supplements, interpretations, policy statements, forms, reports, and other personnel materials necessary for the proper functioning and maintenance of these Employee Personnel Policies.
- Designate those employees who are exempt from the overtime provisions of the Fair Labor Standards Act;
- Establish, maintain, and administer compensation and benefit programs;
- Develop and administer a performance review program;
- Review, evaluate and provide training, development, wellness and educational programs for County employees;
- Serve as the County's EEO Officer and report any EEOC claim or potential claim to the County Manager immediately upon notification;
- Serve as the County's ADA Coordinator;
- Coordinate personnel action processes and facilitate and document appropriate grievance processes to ensure the County provides adequate consideration in resolving personnel actions.

Section 9. Responsibilities of the Department Heads

Duplin County Department Heads shall be responsible for bringing to the attention of the County Manager and/or Human Resources Director (1) the need for new positions and (2) material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions.

The Department Head of each County department or Board shall be responsible to the County manager for recommendations for the appointment, suspension, and removal of County officers or employees assigned to their departments. Department Heads are also expected to effectively and quickly manage personnel issues and harassment claims. The Department Head of each County department or Board shall be responsible to the County Manager that all employees are thoroughly familiar with the provisions of these employee personnel policies.

The Departments of Social Services and Health will process appointments, suspensions, and removal through the County Manager for budgetary review. Department Heads are responsible for establishing a list of "essential positions" and planning for alternate work arrangements for employees to continue County services in times of emergencies.

It is also expected that Department Heads act appropriately and professional at all times while working with employees and the citizens of Duplin County.

ARTICLE II. EMPLOYMENT

Section 1. Equal Employment Opportunity

Duplin County is an equal opportunity employer. It is the policy of the county to prohibit discrimination and harassment of any type and to afford equal employment opportunities to employees and applicants, without regard to race, age, sex, religion, national origin, sexual orientation, gender identity, citizenship, marital status, veteran's status, disability, genetic information or any other personal characteristic protected by law. Duplin County will conform to the spirit as well as the letter of all applicable laws and regulations. Duplin County will take action to employ, advance in employment and treat qualified veterans and disabled veterans without discrimination in all employment practices.

The policy of equal employment opportunity and anti-discrimination applies to all aspects of the relationship between Duplin County and its employees, including but not limited to recruitment, employment, promotion, transfer, training, working conditions, wages and salary administration, employee benefits and application of policies. The policies and principles of equal employment opportunity also apply to the selection and treatment of independent contractors, personnel working on our premises who are employed by temporary agencies and any other persons or firms doing business for or with Duplin County.

Directors, managers and supervisors are responsible for implementing equal employment practices within each department. The Human Resources Department is responsible for the county's overall compliance, and shall maintain personnel records in compliance with applicable laws and regulations.

Company practices that support this policy include the County displaying posters regarding equal employment opportunity in areas highly visible to employees, all advertising for job applicants includes the statement "An Equal Opportunity Employer" and Human Resources will post all required job openings with the appropriate state agency.

Duplin County forbids retaliation against any individual who files a charge of discrimination, reports harassment, or who assists, testifies or participates in an equal employment proceeding. Employees are required to report to a member of management or the Human Resources Director any apparent discrimination or harassment. The report should be made within forty-eight hours of the incident. The Human Resources Director will promptly notify the County Attorney of all incidents or reports of discrimination or harassment.

Violations of this policy, regardless of whether or not an actual law has been violated, will not be tolerated. The County will promptly and thoroughly investigate every issue that is brought to its attention in this area and will take appropriate disciplinary action, up to and including termination of employment.

Section 2. Affirmative Action

The Office of Federal Contract Compliance Programs (OFCCP) issued two (2) new rules that took effect March 24, 2014. OFCCP published final rules that make changes to the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) and Section 503 of the Rehabilitation Act of 1973. Although Duplin County is not a federal contractor or typically enters into federal contracts which exceed certain trigger limits, the County engages in good faith efforts to recruit and employ covered veterans and disabled persons that are qualified to work county positions and are able with or without reasonable accommodations to perform the essential duties of the chosen position.

The new rules expand the affirmative action requirements for covered veterans and disabled persons. The requirements include the invitation to applicants and employees to "self-identify" as a veteran or disabled person before a job offer is made or post offer.

VEVRAA requires employers doing business with the federal government to take affirmative action to recruit, hire promote and retain veterans covered by the law including disabled veterans and recently separated veterans (i.e., still within the three year period beginning from the date of discharge or release from active duty). It's illegal to discriminate against protected veterans when making employment decisions on hiring, firing, pay, benefits, job assignments, promotions, layoffs, training and other employment related activities.

Section 503 of the Rehabilitation Act of 1973 prohibits employment discrimination against individuals based on disability and requires affirmative action to recruit, employ, train, promote and retain qualified individuals with disabilities. Any qualification standards, tests and other selection criteria must be job related and consistent with business necessity. If a reasonable accommodation constitutes an undue hardship because of its cost, the individual with a disability may be given the option of providing the accommodation themselves or paying the portion of the cost that constitutes undue hardship.

Section 3. Reasonable Accommodations under the Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position unless such accommodation creates an undue hardship on the county.

It is the policy of Duplin County Government to comply with all federal and state laws concerning the employment of persons with disabilities and act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

When an individual with a disability is requesting accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

Duplin County Government will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the County. Employees must notify the Human Resources Director in writing of their need for an accommodation as soon as possible, but not more than 180 days after the employee knew or should have known the accommodation was needed.

All employees are required to comply with safety standards. Current employees who pose a direct threat to the health and/or safety of themselves or other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employees' immediate employment situation.

Individuals who are currently using illegal drugs are excluded from coverage under the company ADA policy.

The Human Resources department is responsible for implementing this policy, including resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

As used in this ADA policy, the following terms have the indicated meaning:

Disability means a physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment or being regarded as having such an impairment.

Major life activities include the following, but are 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.

Major bodily functions : The ADAAA also includes the term "major bodily functions," which may include physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed mental retardation), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Substantially limiting: In accordance with the ADAAA final regulations, the determination of whether impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include, but are not limited to, epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. Impairment such as cancer that is in remission but that may possibly return in a substantially limiting form also is considered a disability under EEOC final ADAAA regulations.

Direct threat means a significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.

Qualified individual means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

Reasonable accommodation includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

Undue hardship means an action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include, but are not limited to:

- The nature and cost of the accommodation.

- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources; or the impact of such accommodation upon the operation of the facility.
- The overall financial resources of the employer; the size, number, type and location of facilities.
- The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.
- The impact of the accommodation on the operation of the facility.

Essential functions of the job refer to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by the ADA/ADAAA policy.

Section 4. Pregnancy Discrimination Act (PDA)

July 14, 2014, the Equal Employment Opportunity Commission (EEOC) issued guidance on pregnancy discrimination. Duplin County will consider reasonable accommodation request made by employees with pregnancy related disabilities and grant accommodations where appropriate. Reasonable accommodations may be available to individuals with temporary impairments including impairments related to pregnancy. If a particular accommodation requested by an employee cannot be provided, the possibility of providing alternative accommodations may be discussed.

Section 5. "At-Will" Employment

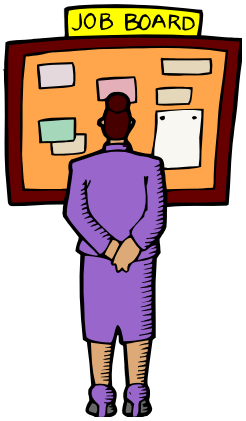
Employment with Duplin County is "at will" and can be terminated with or without cause, with or without notice, at any time, at the option of either the County or the employee, except as otherwise provided by law.

Duplin County Government retains sole discretion to exercise all managerial functions, including the right:

- To dismiss, assign, supervise, and discipline employees;
- To determine and change starting times, quitting times and shifts;
- To transfer employees within departments or into departments;
- To determine and change the size and qualifications of the work-force;
- To determine and change methods by which its operations are to be carried out;
- To determine and change the nature, location, services rendered, and continued operation of the business; and
- To assign duties to employees in accordance with Duplin County's needs and requirements.

Nothing in this Employee Handbook should be considered as altering the employment-at-will relationship or as creating an express or implied contract or promise concerning the policies that Duplin County has implemented or will implement in the future. Accordingly, Duplin County retains the right to establish, change, and delete its policies, practices, rules and regulations "at will" and as it sees fit.

An exception to this policy is a written employment agreement approved at the discretion of the County Manger and/or Board of Commissioners, whichever is applicable. Employees subject to the State Personnel Act are exempt from the "at will" classification upon completion of their prescribed probationary period.



Section 6. Recruitment

Recruitment and selection practices are conducted solely on the basis of job-relevant qualifications, ability, merit, and competence without regard to race, religion, color, creed, national origin, sex, age, political affiliation, handicapping condition or any other protected category under local, state, or federal law. All advertisements for employment must include an assurance that the County is an equal opportunity employer and will comply with federal and state statutes regarding discrimination in employment matters. In making a selection among candidates to fill vacancies, the County may use written, oral or performance tests, an evaluation of training and experience, skills tests, psychological tests, or any combination of these. Investigations of background, character, education, experience or physical fitness may also be required.

When a position becomes vacant, and prior to the posting or advertisement of any position, the Department Head must prepare and submit a request to fill the position to the Human Resources Director or County Manager. The request to advertise the position must explain the continuing need for this position and suggest any revisions to the position that should be made prior to posting or advertisement of the position. A position will not be posted or advertised if it has not been previously budgeted and authorized by the Board of County Commissioners.

Section 7. Job Advertisements

The goal of this policy is to ensure that all employees are made aware of and have the opportunity to apply for open positions either before or concurrent with the County's consideration of external candidates for employment. While it is Duplin County's philosophy to promote from within whenever possible, there are business conditions that could cause a position to be filled without posting, or to post the position while simultaneously recruiting from the outside. The business conditions that could cause a decision to bypass posting, or to post the position while simultaneously recruiting from the outside, include, but are not limited to: organizational restructuring; position requirements that include skills, education, and/or experience that are not known to match any existing employee; critical operational needs; etc. In addition to these business conditions, managers may request an exception when they have candidates within the same department or division who are qualified and/or already trained for the position. The decision to fill the position without posting requires the recommendation of the Director of Human Resources, and the approval of the County Manager.

County agencies covered by State Personnel (Social Services and Health Department) must advertise all vacant positions in accordance with North Carolina General Statute 96-29 and 126-7.1 and the Administrative Code provisions are 25 NCAC 1H.0631 and 25 NCAC 1I.1902. If the county agency covered by State Personnel is reallocating or reclassifying the position held by a current employee and there has existed no vacancy into which the employee is moving, no posting or advertising is required. If the agency is filling a vacancy from within, considering only current employees of the agency, notice must be posted but no outside advertising is required. If the agency is open to considering applicants from outside its own workforce, then it must advertise the vacancy with the Office of State Human Resources (OSHR) formerly Office of State Personnel (OSP) and with the Division of Employment Security.

All regular part-time and full-time newly hired employees or recently transferred/promoted/demoted current employees with six or more months of continuous county service in their positions, and who have a satisfactory performance and attendance record, are eligible to apply for posted openings. All temporary/substitute employees with satisfactory performance are eligible to apply for posted openings. The Agency Director (Health and Department of Social Services), Elected Officials such as the Sheriff and Register of Deeds and/or the County Manager may make exceptions to this rule if it's beneficial to the Agency or Department.

Any and all former employee filled positions eliminated due to reduction in force must be provided notice of county job opportunities for twelve (12) months from date of last employment.

Job openings will be distributed via e-mail and managers will be requested to distribute postings to all employees who do not have access to e-mail. The job postings will also be advertised on the Duplin County website, posted on department bulletin boards, advertised with the Employment Security Commission and other local, state or national organizations, newspapers, professional publications and on websites as deemed appropriate by the Human Resources Director.

It's the county's practice to post vacant positions for at least seven (7) business days, during which time applications may be submitted to Human Resources.

Each job posting will contain the job title, department, a complete job description which includes: a concise summary of principal duties, responsibilities and requirements of the job, and minimum qualifications of the candidates for the job, grade and salary range.

Qualified and eligible employees who wish to apply for a posted position should complete an application from the internet or Human Resources and submit the application package to Human Resources by the closing date specified on the job posting. Human Resources may review each applicant's application package to determine if their qualifications are appropriate, relevant and/or complete prior to forwarding the package to the hiring department. The receiving department will interview all selected qualified candidates. Receiving managers may request to review an internal applicant/employee's original employment application, resume, and two most recent performance appraisals for each candidate. If an internal applicant is selected to be interviewed, the Department Head should as a courtesy inform the internal applicant's department Director of the intention to interview the employee.

All candidates interviewed by the receiving department will be notified of the disposition of the job. Normally, the successful candidate will fill the new position within two weeks of the job award.

All changes in pay will be consistent with the guidelines listed in the Pay Grade Table. The salary offered for the new position will be determined primarily based on the employee's qualifications for the new position and internal equity within the department or work group. Employees can choose to accept or decline offers without repercussions in their current position.

Section 8. Applications for Employment

All qualified persons expressing interest in a County position, including current employees, will be given the opportunity to file an application for employment when the County is advertising to fill such positions. All applicants for a position must complete and sign the County's official application form for each position for which they are applying. An applicant must complete an individual application for each position which he/she wishes to apply. All applications will only be accepted at the County Human Resources Office.

Applicants may be required to submit certificates from educational and training institutions, proof of licensure, and other documentation requested by the County which provides reasonable proof of any statement made on the application. Any false statements within the application or omissions of relevant work experience or criminal history may be cause for rejection of the application or disciplinary action up to and including dismissal.

Applications will be maintained in a reserve file for a period of two (2) years, in accordance with the State of North Carolina Department of Cultural Resources Retention Schedule. To the extent that it is practical, reference to these files shall be made periodically in connection with the county's employment requirement to insure that equal consideration is given to all applicants.

Section 9. Qualification Standards

The minimum qualification standards for applicants seeking County employment and for current County employees seeking a promotion or transfer must be consistent with the established job class requirements and with any specialized requirements for specific positions. Minimum qualification standards include the specified education, experience, physical capabilities, and other knowledge, skills, and abilities defined for the job class as established by the department head in consultation with the Human Resources Director.

The minimum qualification standards for positions subject to the State Personnel Act will be determined by the Office of State Human Resources (OSHR) formerly Office of State Personnel (OSP). Applicants who do not meet the minimum education and experience requirements may be hired as "trainees" or in a "work against" status when there is an absence of qualified applicants from which to make a selection if approved by the Office of State Human Resources (OSHR) formerly Office of State Personnel (OSP) or delegated authority as authorized by the Office of State Human Resources (OSHR) formerly Office of State Personnel (OSP).

Section 10. Selection

The County will select the best qualified person for each available position from among the applicants who meet the minimum qualifications established for the position. Evaluation of qualifications is based upon job-related criteria and without regard to race, religion, color, creed, national origin, sex, age, political affiliation, disability or any other protected category under local, state, or federal law. It is the responsibility of the Human Resources Director to manage the selection process to ensure compliance with state and federal laws and consistent with the County's employment practices.

Veterans as defined in the North Carolina General Statutes Section 126-80 through 126-83 will be given preference in appointment and employment over other applicants of no greater qualifications in accordance with the preferences defined for positions covered under the State Personnel Act.

Selection procedures used to determine the qualifications of applicants for any position may include but are not limited to an evaluation of the employment application and other submitted materials; structured interviews; reference checks; driver's license checks; academic verifications; criminal background and credit checks; and controlled substance testing. Department Heads must reasonably document hiring decisions to verify the basis for selection. Such documentation will include as a minimum, a structured interview format, which ensures all candidates are asked identical questions and that the answers to those questions are evaluated in an objective, fair and good faith manner which provides a fair and equal opportunity to all candidates.

The Department Head, County Manager or Human Resources Director or their designees will notify the applicant deemed most qualified of selection and offer employment. The documentation of the interview procedures, offer and acceptance shall be forwarded to Human Resources where it shall be placed in the employee's personnel file.

The County reserves the right to condition an offer of employment on the results of a medical examination or screening. The purpose of a medical examination and/or screening is to determine if a candidate is physically

able to perform the essential functions of the position and to ensure that an individual's physical condition will not endanger the health, safety, or well-being of other employees or the public. All written offers of employment will be approved by the Human Resources Director, or his/her designee, with exception to positions covered under the State Personnel Act. For State Personnel Act covered positions, the Agency Director, or his/her designee, will approve all written employment offers.

A. **Elected Offices.** The Sheriff and Register of Deeds have the exclusive right to hire, discharge, and supervise the employees in their respective departments under the authority of 153A-103 of the General Statutes of the State of North Carolina. By the authority of Chapter 153A-103 of the North Carolina General Statutes, the Board of Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood or marriage or nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude.

B. **Appointments of Department Heads.** The County Manager shall make all appointments of Department Heads under his or her direction, except those elected or appointed by the Board of County Commissioners or other boards established by General Statute.

C. **Interim Appointment.** The County Manager, or the Agency Director for positions covered under the State Personnel Act, may designate a County employee to serve in an acting capacity when a Department Head or supervisory position is vacant due to a resignation or due to an approved leave of absence of more than four (4) weeks, or as deemed appropriate. Employees serving in an acting capacity may be compensated to reflect the increased duties they have assumed until an appointment to the position has been made, a leave of absence has been completed, duties are reassigned, or another personnel action is taken which no longer requires an employee to serve in an acting capacity.

D. **Emergency Appointment**. An emergency appointment may be made when an emergency situation exists requiring the services of an employee before it is possible to identify a qualified applicant through the regular selection process. When it is determined that an emergency appointment is necessary, all other requirements for appointments will be waived.

An emergency appointment may be made for a period of up to sixty (60) work days (consecutive or non-consecutive) or a total of four hundred eighty (480) hours "in pay status." Any one individual may not receive successive emergency appointments with the same department or agency. At least three (3) calendar months must elapse before that department or agency can give the same individual another emergency appointment.

Section 11. Pre-Contingent Offer to Applicant

As soon as a selection of an applicant has been made, the Department Head shall notify and coordinate with Human Resources regarding the appointment. The Personnel Action Form (PAF), the original application for employment, test score sheet if tests were administered such as a typing test and any additional supporting documents shall be forwarded to Human Resources immediately.

The Department Head may call the applicant to make a pre-contingent job offer after initial review by Human Resources of the new hire package. The job offer is contingent upon successful passing of background check and/or credit check (if handling county monies), driver's license check (if driving a vehicle to conduct county business), pre-employment drug screening, and medical, psychological, and/or fitness test(s) for certain specified positions such as law enforcement and emergency services.

Once the new hire package has been processed, Human Resources will schedule orientation with the new employee.

Section 12. Background Checks

Duplin County Government believes that hiring qualified individuals to fill positions contributes to the overall strategic success of the County. Background checks serve as an important part of the selection process. Background checks help the County obtain additional applicant related information that helps determine the applicant's overall employability, ensuring the protection of the current people, property, and information of the organization.

Duplin County Government uses a third party agency to conduct the background checks. The type of information that can be collected by this agency includes, but is not limited to, that pertaining to an individual's past employment, education, character, finances, reputation, etc. This process is conducted to verify the accuracy of the information provided by the applicant. Human Resources will ensure that all background checks are held in compliance with all federal and state statutes, such as the Fair Credit Reporting Act.

Duplin County Human Resources can make inquiries regarding criminal records during the pre-employment stage; however, as part of Title VII of the Civil Rights Act of 1964, this information cannot be used as a basis for denying employment, unless it is determined to be due to job-related issues or business necessity. (*For example, a convicted sexual predator would not be offered a position to work in the Park or Library where children frequent.)*

Duplin County Human Resources can collect credit information on applicants consistent with the guidelines set forth by the Federal Credit Reporting Act (FCRA). The Fair Credit Reporting Act requires organizations to obtain a candidate's written authorization before obtaining a background and/or credit report.

If the results of the background and/or credit check are negative, the County must inform the applicant that it plans on taking adverse action, provide the applicant with a Statement of Consumer Rights from the Federal Trade Commission before adverse action, provide the applicant the opportunity to review a copy of their background and/or credit report, and advise the applicant of their rights to dispute inaccurate information. Applicants should be granted reasonable time to contest the information (approximately 5 days).

Duplin County is allowed by federal law to reject an applicant who refuses to undergo a background and/or credit check.

Section 13. E-Verify and Employment Eligibility

The County complies with the Immigration Reform and Control Act of 1986. All County employees shall be citizens of the United States, or shall be authorized to work in the United States and will be required to submit appropriate documentation of alien employment eligibility pursuant to Title VIII, U.S.C. 1324 et seq. The minimum employment age for employees is eighteen (18) years of age. Law Enforcement Officers must be a minimum of twenty-one (21) years of age.

In accordance with the Immigration Reform and Control Act of 1986 (IRCA), the County must verify and document employment eligibility for each employee using the federal Employment Eligibility Verification (I-9) form. The I-9 form lists documents needed to prove/establish identity and employment authorization and each document used by the employee to substantiate employment eligibility must be inspected for authenticity by the authorized County representative who must also sign the I-9 form. The employment verification process must be completed in person within three business days of the employee's hire date. The IRCA does not apply to employees hired prior to November 7, 1986, who have been continuously employed since that date.

Effective October 1, 2011, all new employees not only complete the I-9 form but must also be cleared by the Department of Homeland Security (DHS) and the Social Security Administration (SSA) as being eligible to work in the United States using the online E-Verify Program. The information provided by the new employee from the

completed I-9 form and their social security number is input by Human Resources into the secure E-Verify system which will respond within seconds whether the person is cleared to work or if they have issues that must be cleared up with either the SSA or DHS. Due to the photograph matching tool, the E-Verify Program also requires that one of the documents used to substantiate employment eligibility must contain a photograph of the employee.

The Human Resources Department is responsible for managing the employment verification process for all staff.

Section 14. Employee Orientation

In order to make you feel comfortable at your new job and to help you get to know Duplin County, Human Resources has developed an employee orientation program. This program is designed to give you sufficient information so you may quickly become familiar with the overall organization of county government as well as county policies and benefits.

All newly hired or rehired employees shall complete required County personnel forms. Employees who are eligible for fringe benefits must complete enrollment forms relating to certain mandatory and elective benefit programs. All employees shall be provided a copy of these employee personnel policies and must acknowledge receipt by completing an acknowledgement form.

Each department shall be responsible for conducting an on-the-job training program for each new employee, which shall cover the employee's work environment, position responsibilities and duties, work schedule, safety requirements and application of these employee personnel policies and departmental policies to the position involved. Employees are also required to complete New Employee Orientation training.

Section 15. Getting Acquainted - Probationary Period of Employment

You, as an employee, were offered employment at Duplin County with the full expectation that you would be successful on the job. However, Duplin County requires all employees to serve a probationary period when a new employee is appointed to a position and when existing employees (other than employees subject to the State Personnel Act) are promoted, transferred, or demoted. The County regards the probationary period as an integral part of the employment process. It affords the employee an opportunity to become acquainted with the new position and provides the County with a period of time during which the employee's work and behavior will be closely evaluated. The County may dismiss any employee with or without cause at any time during the initial probationary period. Employees dismissed during their initial probationary period have no appeals rights.

A. **Duration.** The probationary period is twelve (12) months from the employee's date of hire, except for positions covered under the State Personnel Act, in which case, the probationary period is not less than three (3) months nor more than nine (9) months (except for interns and trainees). Employees who are initially appointed to a law enforcement or emergency services positions are subject to a twelve (12) month probationary period to complete minimum training requirements. Current employees appointed to a new position or promoted to a vacant position in the County shall serve a six (6) month probationary period. If an employee appointed to a new position or promoted to a vacant position is found to be unsuited for that position, the County may reinstate the employee to his/her former position and former rate of pay if the County determines such reinstatement is possible.

B. **Probationary Period Extensions.** During the probationary period the Department Head and/or Supervisor shall closely observe an employee's work to ensure that the employee demonstrates that he/she is qualified for the position which he/she has been appointed. Performance, skills and ability demonstrated during the probationary period shall be evaluated by the employee's supervisor in order to determine whether the employee should continue to be retained by the County. Employees' probationary periods may be extended for no more than six (6) additional months if additional time is needed to evaluate performance because of absences from work or additional time is needed following

counseling or implementation of a performance improvement plan (PIP) through a written request and approval by the County Manager, with exception to positions covered under the State Personnel Act. Under no circumstances will the probationary period be shortened.

C. Under the **Uniformed Services Employment and Re-employment Rights Act (USERRA),** if a position is "other than temporary" and the probationary period is a bona fide period of observation and evaluation, the returning service member must complete the remaining period of probation upon reemployment. Once the employee completes the probationary period, the employee's pay and seniority should reflect both the pre-and post-service time in the probationary period plus the time served in the military.

D. **Probationary Period Completion.** Prior to the completion of the probationary period, the employee's supervisor and/or Department Head must review the performance of the probationary employee and provide the County Manager with a written recommendation to retain or dismiss the employee. Upon the successful completion of a probationary period, the employee's classification will be changed to regular employee. Employees who are initially employed at a salary less than the minimum for their class may receive an increase to the minimum of that class at the completion of the probationary period.

E. **Career Status for Employees Subject to the State Personnel Act.** In accordance with N.C.G.S. 126 employees subject to the State Personnel Act will achieve career status after twenty-four (24) continuous months of employment in a permanent appointment. The career status period for employees subject to the State Personnel Act and the probationary period will run concurrently during probation. Until an employee has achieved career status, they are considered a "probationary state employee" and are exempt from the provisions of the State Personnel Act. Non-probationary employees with career status may only be disciplined or dismissed for just cause in compliance with established procedures (25 NCAC 1I .2301) and have a right to appeal that action.

F. **Probationary Appointment for Employees Subject to the State Personnel Act.** In accordance with 25 NCAC 01I.2002, State Personnel employees shall be required to complete a probationary period for placement in permanent positions, employees accepting a position in a different agency in the same county or in another county that is subject to G.S. Chapter 126. This applies to those who have already achieved career status and individuals being rehired following a 31 day break in service, individuals being rehired where the essential duties and responsibilities of the position into which the employee is being rehired are significantly different from those of the position held at the time the employee left or if the probationary period is justified based on previous employment history. Employees with career status who serve a new probationary period shall be returned to career status upon successful completion of the new probationary period. The length of the probationary period shall not be less than three (3) months nor more than nine (9) months of either full-time or part-time employment. At any time during a probationary period an employee may be separated from service for causes related to performance of duties or for personal conduct detrimental to the agency without right of appeal or hearing but the employee must be given notice of dismissal including reasons.

Section 16. Changes in Employment Status

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

B. **Promotions and Transfers.** Employees are encouraged to apply for vacant County positions for which they are qualified. Promotions and transfers may be competitive. Reclassifications that result in a promotion or transfer are not considered competitive. The County has the right to make the final hiring decision based on qualifications, abilities, experience, and County requirements and does not make a guarantee of a promotion or transfer to existing employees. The County Manager reserves the right to approve or disapprove promotions or transfers (with exception of positions subject to the State Personnel

Act) without regard to the recruitment process, if it is determined by the County Manager to be in the best interest of the County. This policy does not limit the County's right to transfer employees to another position within the same job class taking into account the needs of the County and the employee.

C. **Demotions.** Employees may be demoted if they have been found unsuited for the present position but may be expected to perform satisfactorily in a lesser position. Employees may also be demoted if their position has been abolished or reclassified to a lower class and they cannot be transferred to a position of equal pay for which they are qualified and suited. All demotions must be approved by the County Manager except for positions subject to the State Personnel Act.

D. **Voluntary Reassignment.** A reassignment is a change in employment resulting from assignment to a position in a lower or like pay grade. This change is the result of a mutual agreement between the employee and the employer, or it may be the result of an employee applying for and being selected for a position at the same or a lower grade. If the reassignment is to a lower grade, a Request for Voluntary Reassignment must be completed by the employee and forwarded to Human Resources.

Section 17. Performance Evaluation

Performance evaluations are an opportunity for employees, supervisors, and the County to assess an individual's job performance. The performance evaluation system is designed to ensure that quality services are provided to the public and the County's customers in a cost effective manner, to motivate and develop employees to their fullest potential, to clarify roles and mutual expectations of supervisors and employees, to mutually establish goals for employees, to ensure open and ongoing communication between employees at all levels, and to establish compensation levels based on individual employee performance.

An employee's immediate supervisor will conduct a performance evaluation on an annual basis (usually February) or more frequently if prescribed by the County Manager or the employee's Department Head. The performance evaluation will be used to discuss your strong points, achievements, and development needs should be discussed in order to prepare for future career growth as well as identifying problem areas in an employee's performance, identifying the need for further training and development, establishing goals and as a factor in granting performance pay increases and promotions. The performance evaluation will be in writing and shall be signed by the employee, supervisor and Department Head.

The appropriate Supervisor and/or Department Head shall annually review the performance of each employee. The annual review must take place and the documentation received in Human Resources usually in February. Performance shall also be evaluated at the time of a transfer or promotion so that the entire year's work history is reflected. The supervisor shall ensure that all changes in employee duties are reviewed and incorporated into a current job description. Employees may request and upon request shall receive a copy of their performance evaluation and the original signed performance evaluation shall be placed in the employee's official personnel file in the Human Resources Department.

An employee's absence from work, due to sick leave, leave without pay, leave due to injury on the job (worker's comp), FMLA, or any other authorized leave, may be cause for the department head to request an extension for the annual performance evaluation review, so as to allow adequate evaluation of performance.

Merit increases are not automatic, but may be awarded for the following reasons: 1) exceptional work achievements, 2) excellence in work performance, and 3) special contribution to productivity. If merit funds are appropriated in the annual county budget, each employee may be considered annually for a merit increase. Such merit increases must be recommended by the department head and approved by the County Manager. Even though all regular employees will be considered for merit increases, only those employees who exceed the standard and/or expected performance will receive a merit increase. If an employee has received a corrective action such as a performance improvement plan (PIP) or disciplinary action such as a written warning, demotion, or suspension within the previous year (since the last performance evaluation), the employee will not be eligible for a merit increase. Merit increases may be paid in bonus form if the employee has "maxed" out of his/her pay grade. Performance evaluations and/or market/merit raises or bonuses are non-grievable personnel actions.

In addition to the annual performance evaluations, employees will be evaluated at the completion of a probationary period or any time the employee's supervisor or Department Head believes it is in the best interest of the employee and/or the County to conduct an evaluation.

90-Day Probationary Evaluation

The 90-day evaluation takes place for newly hired employees and for those who are transferred or promoted into new positions. This performance evaluation is intended to provide new employees and their managers with a formal opportunity to discuss the following issues:

- Employee expectations of the job as compared to actual experience,
- The manager's job-performance expectations of the employee as compared to actual experience,
- Areas where change needs to occur, and areas in which progress has been made
- Performance development plans.

The 90-day performance evaluation process should be a comfortable, open dialogue between the Supervisor and the new employee where emphasis is placed on reaching agreement about what is working and where improvement or changes need to take place. The discussion should be formally documented and placed in the employee's personnel file. Generally, no salary action is effective at the time of a 90-day evaluation.

Section 18. Re-employment

Former employees may apply for any County positions for which they are qualified. The County may consider interviewing or rehiring a former employee but the hiring manager may elect to review past personnel records, specifically performance appraisals, disciplinary documentation, reason for termination, etc. when evaluating the application package. Rehired former employees will be credited with their previous accrued sick leave balance, longevity time balance and hire date, provided they are rehired within one (1) year of their most recent separation date from the County and have not applied for or withdrawn retirement funds from the State of North Carolina retirement system. Rehired former employees will be subject to probationary employee status unless waived by the County Manager.

Section 19. Work Schedules and Hours of Operation

The County Manager shall establish standard hours of operation for County departments. The County Manager is also authorized to make adjustments to standard hours of operation and department work schedules as needed to meet services and operational needs. For positions subject to the State Personnel Act, the Agency Director is authorized to establish standard hours of operation and to make adjustments to the standard hours of operation and department work schedules as needed to meet services and operational needs for their respective agency. No County office shall be closed at any time without the prior knowledge and approval of the County Manager, except in cases of emergency.

Section 20. Modified or Flexible Work Schedules

The employees of Duplin County are the primary resource for achieving its mission and objectives. For many employees flexible work schedules support a healthy work-life balance and improve employee morale. This

policy has been developed to allow departments to offer flexibility to better meet the needs of the citizens of Duplin County while accommodating an ever-changing and diverse workforce.

Duplin County may attempt to accommodate an employee's request for a flexible or modified work schedule as long as the accommodation does not negatively impact service delivery.

Full time employees who have completed at least twelve (12) months of continuous full time employment are eligible to request a flexible or modified work schedule. Employees who have been subject to disciplinary action during the previous 90 days may not be eligible to participate in the flexible or modified work schedule program.

Department Heads have the option to decide how and whether to implement a flexible or modified work schedule program to meet the needs of their customers and functions of their department. An evaluation of the employee's proposed work schedule will be assessed to determine if the employee is able to fully meet job responsibilities and performance expectations, level of interaction with members of the public and other employees, and has the employee demonstrated responsibility and dependability. Duplin County supports flexibility for departments and employees with the understanding that effective and efficient service delivery for citizens is paramount.

The minimum operating days and hours of Duplin County Government are Monday through Friday, 8:00 AM to 5:00 PM. Most county employees are required to work the core hours of 9:00 AM to 3:00 PM and the earliest time employees may arrive is 7:00 AM and the latest time they may leave is 6:00 PM unless defined differently by the Department Head. Those county departments that operate 24 hours daily may schedule appropriately to best meet the needs of those they serve.

The County Manager, or the Agency Director for positions subject to the State Personnel Act, has the final authority to approve permanent flexible or modified work schedules. Once the modification is approved, it is the Department Head's responsibility to inform Human Resources in writing of such changes.

At times it may be necessary for Department Heads to determine a temporary alternate work schedule based upon productivity, deadlines, completion of projects or other administrative needs. Department Heads are required to give as much advance notice of a schedule change to an employee as possible. The continuation of a flex schedule will be at the discretion of the Department Head in consultation with the Human Resources Director and the County Manager. Duplin County Government reserves the right to suspend, cancel or amend this policy at any time. The County also reserves the right at any time to return an employee participating in a flextime/compressed week schedule to his or her standard schedule with our without cause at the convenience of the County. A flexible or modified work schedule is a benefit to be provided at the discretion of management and the denial of a flexible or modified schedule is not grievable by employees.

When an employee on a flexible schedule takes paid vacation or sick leave, the employee must show the number of leave hours that would have been worked. For example, if an employee is working four (4) 10 hour days a week and wants to take a vacation that week, the employee would put on his/her timesheet, four (4) days of 10 hours of vacation leave.

All flextime options must adhere to applicable Federal, State and County Department of Labor regulations.

Exempt employees are required to depart from a flextime schedule as necessary to ensure the effective performance of their jobs. Exempt employees will continue to receive the same salary from week to week regardless of the schedule worked as long as the exempt employee worked 40 hours or as long as the exempt employee has available leave hours or comp hours to make worked hours and leave hours equal 40 and an exempt employee may accumulate comp hours at time for time under the same conditions as non-exempt employees. Non-exempt employees may be required to work overtime regardless of a flextime schedule.

Section 21. Telecommuting

Employees in certain positions within the county may be eligible to perform their job from their home during weather or emergency events, working on assigned projects, etc. with the County Manager's approval.

Department Heads must obtain County Manager's approval of telecommuting for employees within their department by written request to the County manager providing a summary of the individual's job tasks and the expected length of time the telecommuting will last.

Once the employee logs in as working, they must log off for any personal activities other than ordinary breaks allowed under county policy. Authorization must be approved before any overtime is worked. Under no circumstances must work be performed that is not recorded and accounted for in full. Overtime that has been requested and approved in advance will be compensated in accordance with applicable laws and regulations. Duplin County will vigorously discourage unapproved overtime. Failure to obtain proper approval for overtime work may result in the employee being removed from the telecommuting program or other disciplinary actions.

An employee participating in the telecommuting program may be offered county equipment to effectively work at home with the County Manager's approval. If county equipment is provided, it is the responsibility of the employee to protect the equipment against damage and unauthorized use. The employee is covered by Worker's Compensation if injured in the course of performing official duties at the telecommuting location. It will be the employee's responsibility to protect the county's records, papers, computer files, and correspondence from unauthorized disclosure or damage and to ensure that all county documents are properly returned to county facilities as required. In the event that either the employee or the county chooses to discontinue the telecommuting arrangement, the employee will be responsible for ensuring that all documents and equipment are properly returned to the county immediately. Failure to comply with this policy may result in termination of the telecommuting agreement and/or other appropriate disciplinary action.

Section 22. Workweek

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

Law enforcement work 12 hour shifts and shall not exceed eighty-six (86) hours within a fourteen (14) day work period in accordance with the law enforcement exemption set forth in in the FLSA.

Emergency Services personnel (Paramedics and EMTs) typically work 24 hours on – 72 hours off schedule. E-911 (Communications) typically works 12 hour rotating shifts.

Section 23. Meal Periods and Rest Breaks

The FLSA does not require employers to provide break or meal times. However, the Board of County Commissioners recognizes that certain breaks in the daily schedule promote employee health and productivity.

A. **Rest Break.** Employees may take one (1) fifteen (15) minute paid rest break for every four (4) hours worked. All breaks must be arranged so that they do not interfere with County business or continuous service to the public. Rest breaks cannot be used to shorten the workday or be banked from day to day. No break may be taken within one (1) hour of beginning work or within one (1) hour of the end of the work day. Breaks will be limited to a maximum time of fifteen (15) minutes each. A fifteen (15) minute break may be divided into no more than two (2) periods. No more than two (2) fifteen (15) minute breaks shall be taken within a work day (excluding lunch). Work breaks may not be combined or accumulated to take a longer break. Employees cannot take a break at the end of the day in order to leave early. No additional pay will be given to employees that do not take breaks. Break periods may not be used to extend breaks for lunch.

B. **Meal Break.** Full-time employees may also take a sixty (60) minute unpaid meal break for each full-time shift worked. The meal break is not paid, not included in the computation of overtime, nor included in the computation of a normal work shift or payroll period. Meal breaks may be scheduled with the approval of the employee's Department Head and/or supervisor. The scheduling of meal breaks may vary depending on department workload. For example, Emergency Services employees such as EMT/Paramedics, Telecommunicators or Law Enforcement usually do not "clock out" for meal breaks and are expected to stop a meal break if "duty calls." According to FLSA, for meal periods to be unpaid, they must be (1) at least 30 consecutive minutes, and (2) uninterrupted, and (3) the employee must be free to use the time for his or her own purposes.

C. **Break Time for Nursing Mothers**. Duplin County would like to ensure that our female employees who choose to breast feed will feel comfortable in doing so in the workplace. Therefore, following are some guidelines to assist with this process:

Duplin County will provide appropriate space in proximity to the employees' work area, for the employee to express milk in private for her nursing child for one (1) year after the child's birth each time such employee has need to express the milk. The location may be the place where the employee normally works if there is adequate privacy (e.g., the employee's private office or a lockable conference room). Areas such as restrooms are not considered appropriate spaces for pumping purposes. The time may run concurrently with an employee's paid break time. In providing this time it is the request of Duplin County that an employee be sensitive to the time away from the job to ensure that department operations will not be seriously disrupted.

When an employee makes a lactation request to their supervisor, the supervisor is to review available space in their department and notify the employee. If there is no available space in the immediate work area, the supervisor is to consult with Human Resources to determine the appropriate location, which offers the least inconvenience to the employee and to the department.

Duplin County may refuse to accommodate a nursing mother if its operations could be "seriously disrupted" by providing lactation time. Any intent to refuse accommodation by a department head or supervisor must be made on a case-by-case basis and must include consultation with the Human Resources department.

ARTICLE III – CONDUCT AND ETHICS

The County finds it is in the public interest and general welfare of the County and its citizens that a statement of ethics be established for all employees of the County. Employees shall not use their official position for personal gain, engage in any business or transaction or have a financial interest, direct or indirect, which is in conflict with the proper performance of their official duties.

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

Section 1. Report of Personnel Changes

The County attempts to maintain complete and accurate personnel information on employees. Employees must immediately notify Human Resources when a change in any of the following occurs:

- Name (through marriage or otherwise)
- Address
- Marital Status
- Beneficiaries for life insurance and retirement
- Telephone number
- Emergency contact

Section 2. Attendance

Every County employee has an important role to play in maintaining a productive workplace. Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule. Late arrival, early departure, or other absences from scheduled

hours are disruptive and must be avoided. The purpose of this policy is to promote the efficient operation of county services and minimize unscheduled absences.

Unsatisfactory attendance, including reporting late and leaving early, may be grounds for disciplinary action, up to and including termination. The guiding principle in counseling is a positive one: to bring the problem to your attention and to determine what can be done to correct the problem. Disciplinary action will be applied if your absences and/or tardiness become habitual and/or excessive.

If an employee must be absent from work for any reason, other than approved time off, the employee must notify his/her immediate supervisor at least thirty (30) minutes prior to or after the start of his/her normal working hours. If an emergency prevents the employee from notifying his/her supervisor at such time, the employee is expected to call as soon as practical during the workday. The County reserves the right to require an employee to provide documentation from the employee's doctor or professional health care provider verifying the illness or injury which results in absence from work and this right can be invoked as soon as the first day of absence. Any employee who fails to report to work without notification to his or her supervisor for a period of three days or more will be considered to have voluntarily terminated their employment relationship.

A period of absence is defined as any absence covering a period of not less than one (1) day or greater than five (5) business days in duration. Should an employee realize the period of absence is going to exceed the five (5) day maximum, he/she should apply for a leave of absence (FMLA, sick leave, etc.) to maintain employee status provided the employee is eligible for a leave of absence. For those employees that are shift workers (*example: Emergency Services*), that miss one scheduled shift and may not return for possibly seven (7) days to work another shift, in these circumstances, it is incumbent on the Supervisor to track the number of absences, late arrivals or early departures on scheduled shifts.

Section 3. Dress Code

Employees contribute to the culture and reputation of Duplin County Government in the way they present themselves. A professional appearance is essential to a favorable impression with visitors, customers and County citizens. Good grooming and appropriate dress reflect employee pride and inspire confidence on the part of such persons.

Department Heads may exercise good discretion to determine appropriateness in appearance on a case-by-case basis with Human Resources guidance. Employees who do not meet a professional standard may be sent home to change. The employee may use vacation or petty leave or make up their lost time as needed at the discretion of the Department Head.

It is impossible and undesirable to define an absolute code for dress and fragrances. Some basic essentials of appropriate dress include employees and their clothing is required to be neat and clean. A reasonable standard of dress rules out tight or short pants, short skirts and short shorts (no shorter than 3 inches to the top of the knee) or high slit skirts, revealing clothing such as tank tops or halter-tops, worn or holey blue jeans, sweatpants, flip flops or any extreme or eccentric hairstyles, clothing, accessories or fragrances that does not present a professional appearance. Visible body art, tattoos or body piercing (other than the typical 1-2 ear piercing) are prohibited. All body art must be covered by normal clothing or uniforms and visible body piercing removed while at work.

Reasonable accommodations will be made for employees religious beliefs consistent with business necessity to present a conservative, professional appearance to our County citizens. Management may make exceptions for special occasions. An employee unsure of what is appropriate should check with the manager or supervisor.

Some departments may require specific guidelines or employees may be required to wear County uniforms. People who need to leave work to change clothes for meetings will take personal time or vacation time to do so. If you are meeting clients, business dress is appropriate. These policies may be changed as the fashions change.

An employee's continued noncompliance with the established guidelines/dress code policy may result in appropriate disciplinary action.

Section 4. Gifts and Favors

All County employees are strictly prohibited from directly or indirectly soliciting or receiving any gift, reward, promise of reward, or anything of value whether in the form of services, loan, travel, entertainment, hospitality, thing or promise or any other form where the circumstances indicate it is in exchange of, or in consideration for, some action to be taken or not taken in the performance of the employee's duties. Legitimate political contributions to elected officials shall not be considered as gifts. No County employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

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

Violation of this policy shall be reported to the County Manager. Any County employee who violates this policy is subject to disciplinary action up to and including dismissal.

Section 5. Delinquent Taxes

Tax collection in Duplin County is used to fund the various offices and agencies that the county supports and administers. Delinquent taxes may be deducted from the employee's monthly pay check after proper notification has occurred and in accordance with FLSA regulations.

Section 6. Political Activity Restricted

Each County employee has a civic responsibility to support good government by every available means and in every appropriate manner. The public has the right to expect excellent service from all County employees on an equal basis without regard to political affiliation. Further, the public should be free from the appearance that support, or non-support, of a person's candidacy for political office may have an effect on the excellent services provided by County employees. County employees may participate in political activities as authorized in this section. County employees are not restricted from affiliating with organizations of political or partisan nature. While off-duty, County employees may attend political meetings; support and advocate political policies and positions make financial contributions to a political organization and support candidates of their choice in accordance with the U.S. Constitution, Internal Revenue Service (IRS) and the laws of the State of North Carolina. No employee can be required to contribute funds for political or partisan purposes as a duty or condition of employment, promotion, or tenure of office. However, all County employees are prohibited from:

A. Engaging in any political or partisan activity while on duty;
B. Using or giving the impression of using official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
C. Coercing, soliciting or compelling contributions for political or partisan purposes by another employee of the County;
D. Using any supplies or equipment of the County for political or partisan purposes;

The 1975 Federal Hatch Act applies to state employees whose positions are financed in part by the federal government or those employees in certain federally-aided programs. This federal act, in addition to prohibiting (b), (c), and (d) above, also prohibits candidacy for elective office in a partisan election.

The Hatch Act makes it unlawful for covered employees to become candidates for office in partisan elections. In North Carolina, the following offices are elected in partisan elections examples. (*Refer to Hatch Act for complete list):*

US and State Senate
US and State House of Representatives
District Attorney
Sheriff
County Commissioners
Clerk of Superior Court
Register of Deeds
Superintendent of Public Instruction

Examples of offices elected in nonpartisan (*an election where no candidates are running with party affiliation*) elections in North Carolina:

Most Mayors
Most School Boards
Most City Councils
Soil/Water Conservation Boards

"Covered Employee" applies to employees of the federal government and to employees of other governmental units including the state, cities and counties whose principal employment is in connection with an activity which is financed in whole or in part by federal funds.

Any actively at work employee that elects to become a candidate for political office will be required to take a leave of absence from their employment position with the County upon becoming a candidate. An employee will be considered a candidate on the date the employee officially files the required paperwork to run for elected office with the Board of Elections. The employee may use paid time off (compensatory or vacation leave) while on leave of absence. Should the employee exhaust all paid leave, the employee will be placed into an unpaid leave of absence status. This section of the policy will not apply to individuals holding elected office as a result of partisan elections such as the Sheriff, the Register of Deeds, the Clerk of Court and the members of the Board of Commissioners.

According to the Hatch Act, County employees may also::

- Hold elective office in political parties, clubs and organizations
- Be appointed to fill a vacancy for an elective office
- Actively campaign for candidates for public office in partisan and nonpartisan elections
- Contribute money to political organizations
- Attend and give a speech at a political fundraiser, rally or meeting.

County employees are not permitted to post political advertising at any county facilities or on any County property unless the Board of Elections has voting sites established on County properties and then the Board of Election statutes and regulations would be followed.

Any employee who violates this policy is subject to disciplinary action up to and including dismissal.

Section 7. Conflict of Interest

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

Examples of activities which are not in accordance with this policy include, but are not limited to, the following:

A. Activities which require the official or employee to interpret County laws, codes, ordinances, or regulations when such activity involves matters with which the official or employee has business and/or family ties.
B. Using an official's or employee's authority, influence, or County position for the purpose of private or personal financial gain.
C. The use of County time, facilities, equipment or supplies for the purpose of private or financial gain.
D. Entering into a business transaction when it involves using confidential information gained in the course of employment.
E. Accepting other employment or public office where it will affect the official's or employee's independence of judgment or require the use of confidential information gained as a result of County duties.

F. Accepting rebates or procuring any financial gain through the bidding process or employment of outside personnel.
G. No employee or official shall use or disclose information gained in the course of employment or by reason of position for purposes of advancing a financial or personal interest, a business entity which there is an ownership interest, a financial or personal interest of a household member or a family member, or any other private or political interest to the detriment of the County.
H. No employee or official shall disclose confidential or privileged information concerning personnel matters, property, contract negotiations, litigation related matters, or other affairs of the County that are afforded protection under state law.
I. No elected official shall require, either directly or indirectly, any employees of the County to campaign on his/her behalf as a condition of employment.
J. No employees shall use County time or resources in promoting or advocating the election of any individual.

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

For the purposes of this policy, the term official shall include all elected and appointed officials of the county including, but not limited to, the County Board of Commissioners, other elected officials, and members of boards and commissions. Employee shall include any individual employed by the County on a full or part-time basis. Any County employee having knowledge of or a reason to know of a potential personal interest, or upon the discovery of a potential personal interest, has an affirmative duty to disclose such personal interest to the County Manager. Any attempts by any person, firm or corporation to influence the decision of a County employee with regard to County business must be reported to the County Manager. Nothing in this policy is intended to violate, supersede, or conflict with any applicable state or federal laws regarding conflicts of interest in public employment or disclosure requirements.

Section 8. Outside or Secondary Employment

The County does not prohibit employees from engaging in outside employment. However, the County expects regular and permanent, full-time employees to consider that the work of the County will take precedence over other occupational interests of employees. The County will not condone outside employment that interferes with the performance of an employee's duties with the County or which represents a conflict of interest. No officers or employees of the County shall engage in any additional business or job that would involve their receiving funds from Duplin County. All employees must have a minimum of eight (8) hours downtime before their shift begins. The County will not change work hours to facilitate the scheduling of outside employment. Full-time and part-time County employees are required to report all outside, secondary employment and /or self-employment in writing to their Department Head and the employee must be approved for outside, secondary employment by the employee's Department Head and the County Manager, or the Agency Director for employees subject to the State Personnel Act. The County Manager, or the Agency Director for employees subject to the State Personnel Act, shall be responsible for final interpretation and approval and a copy of the request including the approval or denial will be forwarded to Human Resources for inclusion in the employee's personnel file.

Employees who are on an approved leave of absence (FMLA, worker's comp, etc.) may not engage in any form of self-employment or perform work for any other employer during that leave except when the leave is for military service or public service or when the employment, while out of work, has been approved by the Department Head and County Manager and the employee's reason for leave does not preclude the outside employment.

Employees of the County Sheriff's Office may not work for any organization or private business while in uniform or

in a capacity as a law enforcement officer without prior written approval of the Sheriff.

Failure to report outside secondary employment or conflicting outside secondary employment will be grounds for disciplinary action up to and including dismissal.

Section 9. Dual Employment

Persons employed by the county are hired by one particular department at an appropriate pay grade and step. No employee will be permitted to perform services under a different job title for additional compensation (or other benefits) for another department or the same department without prior approval from the Department Head that first hired the employee or from the County Manager, with a required written notice of Dual employment to Human Resources providing the second department the employee will be working for and the associated job title, with grade and step.

Section 10. Employment of Relatives

Duplin County is committed to a policy of employment and advancement based on qualifications and merit and does not discriminate in favor of or in opposition to the employment of relatives.

Due to the potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment which can be carried into the daily working relationship, the following restrictions apply to the hiring of relatives. Relatives of persons currently employed may be hired only if they will not be working directly for or supervising a relative or will not occupy a position in the same line of authority where employees can initiate or participate in decisions involving a direct benefit to the relative. Such decisions include but are not limited to hiring, retention, transfer, promotion, wages and leave requests.

This policy applies to all current and potential employees.

Family member is defined as one of the following: relationships by blood -- parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin; and relationships by marriage – husband, wife (as defined by state law), step-parent, stepchild, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece, spouse/partner of any of the above and cohabitating couples/significant others.

The hiring supervisor is responsible for ensuring policy compliance. Directors are responsible for monitoring changes in employee reporting relations after initial hire to ensure compliance with this policy. Employees are responsible for reporting any changes immediately to their supervisor.

If after employment, employees begin a dating relationship or become relatives, partners or members of the same household and one party is in a supervisory position or equal position, working the same location, department or shift of a family member, that person is required to inform management and HR of the relationship. The employees will have 60 days to resolve the situation on their own. After 60 days, if the employees have not yet resolved the situation on their own by means such as a transfer or employment outside of the department, the employee's supervisors will work with HR to determine the most appropriate action for the specific situation. This may include transfer, reassignment, or if necessary, termination of one of the employees.

The employment of immediate family within the service of the County within the same department or unit/section of a department at the same time is to be avoided unless significant recruitment difficulties exist. No exception to this policy will be made without the written consent of the County Manager.

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

Section 11. Discrimination and Harassment

Duplin County strives to create and maintain a work environment in which people are treated with dignity, decency and respect. Employees should be able to work and learn in a safe, yet stimulating atmosphere and with the absence of intimidation, oppression and exploitation. Duplin County will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, Duplin County will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based upon the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension or termination of employment.

All employees, including appointed and elected full-time and part-time employees and temporary and seasonal employees are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related settings outside the workplace, such as during business trips, business meetings and business-related social events.

A. **Discrimination** It is a violation of this policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status. Discrimination is strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990.

B. **Unlawful Workplace Harassment.** For the purposes of this policy, "unlawful workplace harassment" is defined as unsolicited and unwelcome speech or conduct based upon race, sex, creed, religion, national origin, age, color, genetic information or disability that creates a hostile work environment or upon a "quid pro quo." Harassment is verbal or physical conduct designed to threaten, intimidate or coerce. Also, verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job.

Examples of harassment are:

1. Verbal: Comments that are not flattering or are unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body disability or appearance. Epithets, slurs, negative stereotyping may also be considered harassment.
2. Nonverbal: Distribution, display or discussion of any written or graphic material that ridicules, denigrates insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, and gender identity, marital or other protected status.

   Hostile work environment is determined by looking at all circumstances or incidents, including frequency of alleged harassing behavior, severity, and whether it unreasonably interferes with an employee's performance or adversely affects the employee's employment opportunities.

Sexual Harassment

Sexual harassment in any form is prohibited under this policy. Sexual harassment is a form of discrimination and is unlawful under Title VII of the Civil Rights Act of 1964. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature...when...submission to or rejection of such conduct is used as the basis for employment decisions...or such conduct has the purpose or effect of...creating an intimidating, hostile or offensive working

Sexual harassment includes unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when such conduct:

1. Is made explicitly or implicitly a term or condition of employment.
2. Is used as a basis for an employment decision.
3. Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, that is personally offensive, and that lowers morale and therefore interferes with work effectiveness. Sexual harassment may take different forms.

Examples of conduct that may constitute sexual harassment are:

1. Verbal: A sexual innuendo, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, threats. Requests for any type of sexual favor (this includes repeated, unwelcome requests for dates). Verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sex oriented and considered unwelcome.
2. Nonverbal: The distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, email, photos, text messages, Internet postings, etc., that is sexual in nature.
3. Physical: Unwelcome, unwanted physical contact, including but not limited to touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling; forced sexual intercourse or assault.

   Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that is acceptable to and welcomed by both parties, is not considered to be harassment, including sexual harassment.

There are basically two types of sexual harassment:

1. "Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions, better working hours, etc., are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment.
2. "Hostile work environment," where the harassment creates an offensive and unpleasant working environment. Hostile work environment can be created by anyone in the work environment, whether it is supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcomed physical contact as a regular part of the work environment. Texts, emails, cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

Workplace Relationships

Duplin County strongly discourages romantic or sexual relationships between Department Heads, supervisors, staff and co-workers in the same department (an employee who reports directly or indirectly) because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions. Employees who desire to become involved with someone in the workplace must be aware of the following guidelines.

A. There shall be no dating/marital activities on department time or department property.
B. There shall be no use of department property to arrange dating activities.
C. All behavior between employees shall be behavior conducive to a professional work environment at all times when on department property or on department time.

Although the parties may feel that what they do during non-working hours is their business and not the business of the county, because of potential issues regarding "quid pro quo" harassment, the County requests the relationship be reported to the Department Head, the Human Resources Director or County Manager. Once the relationship is known, Human Resources will review the situation with the County Manager and will determine whether one or both parties need to be moved to another job, shift, location or department. If it is determined that one party must be moved, and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which he or she applied, the parties will contact the HR Director, who will decide which party should be moved. That decision will be based on which move will be least disruptive to the organization as a whole. If it is determined that one or both parties must be moved, but no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning. Failure to report the relationship is a violation of this policy and disciplinary action up to and including termination may be applied.

C. **Role of Department Heads and Supervisors.** Department Heads and supervisors shall establish and maintain a climate in the work unit which encourages employees to communicate questions or concerns regarding this policy; recognize incidents of unlawful workplace or sexual harassment; take immediate corrective action to stop such behavior; and notify the Human Resources Director so that consistent investigatory procedures may be implemented. Any Department Head or supervisor who observes, is confronted with, or becomes aware of a situation involving unlawful workplace or sexual harassment must advise the offending individual(s) to stop the harassing behavior and report the situation immediately to the

Director of Human Resources and County Manager. A Department Head and/or supervisor failure to respond immediately and appropriately to reported incidents of perceived unlawful workplace harassment or sexual harassment may result in disciplinary action up to and including dismissal.

D. **Complaints Procedure for Unlawful Workplace and Sexual Harassment.** Any employee who feels he/she is being subjected to unlawful workplace harassment or sexual harassment should immediately contact his/her immediate supervisor, Department Head, the Human Resources Director, the Agency Director, or the County Manager. This procedure does not require reports to be made to the immediate supervisor or to anyone the employee believes to be participating in the unlawful workplace harassment. Employees are encouraged to speak with whomever they feel the most comfortable from those listed above.
A person who feels harassed, discriminated or retaliated against may initiate the complaint process by filing a written and signed complaint with the HR Director. No formal action will be taken against any person under this policy unless a written and signed complaint is on file containing sufficient details to allow the HR Director to determine if the policy may have been violated. If a supervisor or manager becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an employee coming forward, the supervisor or manager should immediately report it to the HR Director.

1. Upon receiving the complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the HR Director will notify the County Manager and review the complaint with the County Attorney.
2. Within five (5) working days of receiving the complaint, the HR Director will meet with the person alleged to have violated this policy.
3. Human Resources will initiate the investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred. Complaints of unlawful workplace harassment and sexual harassment will be kept as confidential as possible while the matter is thoroughly investigated and promptly dealt with as appropriate. Under no condition will the investigation be conducted by or under the direction of the person(s) reported to have engaged in the unlawful workplace or sexual harassment or the person alleging the unlawful workplace or sexual harassment. Investigations of any and all reported incidents will be authorized by the County Manager and by the Board of Commissioners if the complaint involves the County Manager. The employee who is accused of unlawful workplace or sexual harassment may be placed on investigative leave while fact-finding is conducted.
4. During the investigation, the HR Director, together with the County Attorney and/or Department Head will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred. The respondent is entitled to retain an attorney at their expense, if desired.
5. Within 15 business days of the complaint being filed (or the matter being referred to the HR Director), the HR Director or other person conducting the investigation will conclude the investigation and submit a report of his or her findings to the Assistant County Manager and County Attorney.
6. Within 10 business days from the date the HR Director submits his/her findings to the Assistant County Manager and the County Attorney, the County Attorney and Assistant Manager will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the HR Director and other management staff as may be appropriate and decide what action, if any, will be taken and notify the Human Resources Director of the decision.
7. If it is determined that harassment or discrimination in violation of the County policy has occurred, the HR Director will recommend appropriate disciplinary action. The appropriate action will depend on the following factors: (i) The severity, frequency and pervasiveness of the conduct; (ii) Prior complaints made by the complainant; (iii) Prior complaints made against the respondent; (iv) The quality of the evidence (first-hand knowledge, credible corroboration etc.).

8. If the investigation is inconclusive or it is determined that there has been no harassment or discrimination in violation of this policy, but some potentially problematic conduct is revealed, corrective and possible disciplinary action may be taken.

9. Within 5 days from the date the HR Director receives a response from the County Attorney and the Assistant County Manager, the HR Director will report the county's decision to the complainant, the respondent and the appropriate management assigned to the department(s) in which the complainant and the respondent work. The county's decision will be in writing and will include finding of fact including nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person accused of discrimination and/or unlawful workplace or sexual harassment shall be reviewed and disciplinary action, if recommended, consistent with applicable laws and policies. The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee and any other factors deemed appropriate.

10. The HR Director will meet with the complainant and the respondent separately in order to notify them in person of the findings of the investigation and to inform them of the action being recommended by the HR Director.

11. The complainant and the respondent may appeal or submit statements of new information to the HR Director challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting with the HR Director in which the findings of the investigation is discussed. After the appeal or supplemental new information is reviewed, management has five (5) working days to respond.

Retaliation is adverse treatment which occurs because of opposition to discrimination and/or unlawful workplace or sexual harassment. Retaliation against employees or job applicants who report, or file complaints or charges due to perceived unlawful discrimination, workplace or sexual harassment, or who participate in investigations or proceedings as witnesses, or in other capacities is prohibited and will not be tolerated and should be reported immediately according to the reporting procedure outlined in this policy. Individuals who engage in retaliation will be subject to immediate discipline up to and including dismissal.

Employees subject to the State Personnel Act have additional options to present a discrimination or harassment complaint to the Office of State Human Resources (OSHR) formerly Office of State Personnel (OSP) through the Office of Administrative Hearings provided the complaint is submitted within thirty (30) days of any decision made by the County in reference to a harassment complaint.

E. **Unlawful Discrimination, Workplace or Sexual Harassment by Non-Employees.** When reports of unlawful discrimination, workplace or sexual harassment against an employee in the workplace involve a non-employee, the County will support appropriate steps to address the unlawful discrimination, workplace or sexual harassment.

F. **Employee Responsibilities.** Employees are obligated to cooperate in every fact-finding of unlawful discrimination, workplace or sexual harassment. Employees are also obligated to refrain from filing fraudulent or "bad faith" complaints of discrimination, unlawful workplace or sexual harassment.

   Disciplinary action up to and including dismissal may also be taken against any employee who violates this policy, fails to report instances of unlawful workplace or sexual harassment or who fails or refuses to cooperate in the fact finding of a complaint of discrimination, unlawful workplace or sexual harassment or who files a complaint of discrimination, unlawful workplace or sexual harassment in bad faith.

If a fellow employee perceives harassment between two other employees and reports it, Human Resources will initiate an investigation. If the employee that is perceived to have been the victim of the harassment is questioned and did not perceive the incident as harassment and chooses not to pursue the matter, Human Resources will continue to investigate the complaint and document accordingly.

Section 12. Workplace Violence

It is the County's intent to provide a safe workplace that is free from violence. Violent acts against employees, whether committed while on-duty or off-duty, have the potential to impact an employee's ability to perform assigned duties. The County will take every reasonable action to protect the life, safety and health of employees and will provide as rapid and coordinated response as possible to violence or threats of violence at any worksite.

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

A. **Prohibited Conduct.** The County will not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities in any format including but not limited to verbal acts, physical acts, written acts or non-verbal acts. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited: causing injury to another person, communication of threats, aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress, intentionally damaging County property or property of another employee, possession of a weapon while on County property or while on County business (NCGS § 14-269 and NCGS § 14-415), unless permitted and authorized to do so in the performance of assigned duties and responsibilities, and committing acts motivated by, or related to, sexual harassment, abuse or domestic violence.

B. **Reporting Procedures.** All workplace violence or potentially dangerous situations must be reported immediately to a supervisor, the Department Head, Agency Director if the employee reports to State Personnel, the County Manager's office or the Human Resources Director. Reports may be made anonymously, and all reported incidents will be investigated by Human Resources and/or the appropriate agency. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. Retaliation against any employee who, if in good faith, reports a violation of this policy is prohibited. Every effort will be made to protect the safety and confidentiality of anyone who comes forward with concerns about a threat or act of violence. All parties involved in a situation will be counseled and the results of investigations will be discussed with them to the fullest extent allowed without breaching any confidentiality restrictions. The County will actively intervene at any indication of a possibly hostile or violent situation.

C. **Risk Reduction Measures.**
   1. Hiring: The County takes reasonable measures to conduct background investigations to review candidates' backgrounds and reduce the risk of hiring individuals with a history of violent behavior.
   2. Safety: The County conducts inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.
   3. Individual Situations: While there is no expectation that employees be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their supervisor if any employee or individual exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes:
      a. Bringing (unless permitted and authorized to do so in the performance of assigned duties and responsibilities) or threatening to bring weapons to the workplace;
      b. Displaying overt signs of extreme stress, resentment, hostility, or anger;

c. Making threatening remarks;
d. Sudden or significant deterioration of performance;
e. Displaying irrational or inappropriate behavior.

D. **Dangerous/Emergency Situations.** *(This section does not apply to law enforcement.)* Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

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

Section 13. Domestic Violence

Domestic violence is a pattern of behavior meant to threaten, harass and coerce the victim in order to establish and maintain control and dominance. Along with physical trauma, it may include emotional, psychological, sexual and financial abuse. Domestic violence may include but is not limited to the following:

1. Physical violence
2. Sexual assault or rape
3. Threats
4. Intimidation
5. Harassment, by any communication means
6. Stalking
7. Damage to property

If an employee is a victim of domestic violence, they are encouraged to seek support from the Employee Assistance Program (EAP) and/or the local domestic violence service provider. Should the abuse adversely impact their job performance or the employee believes there may be a potential act of violence within the workplace; the employee is encouraged to contact their supervisor, Department Head or Human Resources Director.

There shall be no retaliation against an employee who makes a good faith report of a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns of domestic violence. Law enforcement and management may share information on only a "need to know" basis.

Acts of domestic violence perpetrated by employees within the workplace will not be tolerated and violators will face disciplinary actions, including possible dismissal. The prohibited actions include: employee using county resources, equipment, communication devices or vehicles to commit acts of domestic violence or engaging in such behavior while conducting county business, regardless of the location.

An employee's off-duty conduct may be grounds for disciplinary actions, including possible dismissal. The relevance of an employee's off-duty conduct depends on the nature of the offense and its potential impact on the county and the employee's ability to fulfill his work duties. Judgment in a court of law may provide the evidence to substantiate allegations of any domestic violence acts.

Participation with the Employee Assistance Program referral and completion of their recommendations, such as completion of an Abuser Treatment Program may be a requirement for job retention.

Domestic Violence victims may need time off to attend to counseling, legal and medical appointments. An employee suffering from domestic violence may take reasonable time off from work to obtain relief under Chapter 50B (domestic violence order of protection) or Chapter 50C (civil no-contact order for nonconsensual sexual contact or stalking). In accordance with N.C. Gen. Stat. § 50B-5.5 & § 95-270(a), an employer is prohibited from discharging, demoting, disciplining, or denying a promotion to an employee who takes "reasonable time off" from work to obtain or attempt to obtain a protective order or other relief under the state's domestic violence law. An employee who is absent must follow the employer's usual leave policy or practices; if the employer generally requires advance notice of absences, an employee must provide advance notice "unless an emergency prevents the employee from doing so." An employer may require the employee to provide documentation showing the reason for the employee's absence.

Duplin County may seek to protect its workplace by obtaining a "civil no-contact" order from a court, similar to restraining orders available in cases of domestic violence. No contact orders prohibit a third party from having any contact with the county employee in the workplace when such third party has threatened or attempted bodily injury to an employee or stalked an employee. The parties against whom such orders are issued may be directed cease, or refrain from, engaging in a variety of actions and contact that are threatening or harassing to the protected employee. A third party who violates a no contact order is subject to fine or imprisonment for contempt.

Depending on the circumstances, employees who are victims of domestic violence may also need special accommodations or adjustments to their work schedule or location in order to enhance their safety. Management shall use their discretion to accommodate these requests and needs whenever possible and appropriate.

Section 14. Weapons in the Workplace

All persons who enter County property are prohibited from carrying a handgun, firearm, knife, or other weapon of any kind regardless of whether the person is licensed to carry the weapon or not.

Prohibited Weapons include firearms, explosives, ammunition, knives (except pocket knives) not furnished or approved by the employee's department for the accomplishment of the job, and any other objects prohibited by law. (It is not possible to list every object which might be used as a weapon. Therefore, any object that is used to threaten, injure or cause damage to a person or property may be regarded as a weapon for the purpose of this policy).

Tear gas/pepper spray/mace for personal defense in a small container (container not to exceed 150 cubic centimeters, cartridge not to exceed 50 cubic centimeters) is not prohibited by this policy. Pocket Knife defined for this policy is a small knife, designed for carrying in a pocket or purse, which has its cutting edge and point entirely enclosed by its handle, and may not be opened by a throwing, explosive, or spring action.

The only exception to this policy will be persons allowed by State Law, law enforcement, probation, Animal Control in possession of a weapon while on County property and conducting County business (NCGS § 14-269 and NCGS § 14-415), and permitted and authorized to do so in the performance of assigned duties and responsibilities. Possession of a weapon also may be authorized by the County Manager to allow trained employees to have a weapon on county property when this possession is determined necessary to secure the safety and security of county employees.

This policy prohibits carrying banned weapons, whether concealed or visible, in county buildings, on county worksites, in county-owned vehicles, on county-owned property, or while in the course of carrying out county duties. (This does not apply to weapons locked in personal vehicles on county-owned lots or employees who are authorized to carry weapons in the course of their employment, i.e. Sheriff's Deputies, those persons allowed by State Law or those persons authorized by the County Manager.)

Employees who violate this policy will be subject to disciplinary actions up to and including termination.

Section 15. Safety and Health

A. **Occupational Safety and Health Act (OSHA).** It is the policy of the County to comply in all respects with the 1970 Occupational Safety and Health Act (OSHA) and all amendments thereof. The County Manager

shall establish or approve policies and procedures relative to compliance with OSHA. Duplin County is committed to making reasonable efforts to provide a safe and healthy working environment for all employees.

B. Duplin County's policy is to ensure that every reasonable precaution is taken to prevent the incidence of accidents, injuries, and illnesses for all employees. Duplin County requires all jobs or tasks to be performed in the safest way possible and it is expected that all County employees adhere to this policy, follow safe working procedures and use good common safety sense when at work. The County will conduct and document both formal and informal safety training for all employees. The County will also pursue a vigorous safety inspection effort involving all County facilities, vehicles and work procedures to identify and correct all hazardous conditions and practices. Department Heads will establish personal protective equipment guidelines for all employees, furnish the equipment, and require its use by applicable employees.

C. The **Safety Committee** is charged with, and all County employees are responsible for, promoting accident prevention by actively supporting the Safety Policy and observing the safety regulations. The Safety Committee will create and maintain a high level of interest and awareness of safety among all employees. The Safety Committee will also assist in the development of safety policies and procedures for the County Safety Manual. The Duplin County Safety Manual has been prepared and adopted as the County's safety guidelines and all employees are expected to comply with this policy and its procedures. Employees can access the County's Safety Manual on the Employee Corner of the Duplin County website.

D. The **County Safety Officer** will ensure that all Federal, State and Local laws, regulations, codes and ordinances are followed and develop accident prevention methods, procedures and programs. The Officer will conduct investigations of accidents and hazardous conditions and make recommendations for corrective actions. The Safety Officer in coordination with Department Heads will conduct inspections of all county facilities and assist in the coordination of safety training. The Safety Officer will co-chair the Safety Committee with the County Manager, assist in the maintenance of records and reports concerning county safety issues and maintain and/or update the County safety policies and procedures.

E. **Accident Reporting.** Employees must report unsafe conditions or practices to their supervisor immediately. If a work-related accident, injury, or illness occurs, employees must report it to their supervisor immediately. A written statement of any accident must be prepared by the Department Manager and forwarded to Human Resources within seventy-two (72) hours. A copy of the report will be provided to the Safety Officer. The County Safety Officer will actively investigate and review all accidents involving County employees and property to determine the cause of the incident and to outline preventive measures. If the employee requires medical attention as a result of a work-related accident, injury, or illness, they are required to follow the procedures set forth in the Workers' Compensation policy. Duplin County has adopted a proactive return to work policy that requires all employees in a modified or restricted duty status to return to work and perform their duties consistent with their physical restriction(s) set by their treating physician. If an employee has any questions regarding the accident reporting procedures they are encouraged to contact their supervisor or the Human Resources Director.

F. Working safely is a condition of employment; therefore safety is tied to job performance. If it is determined that a county employee has willfully or negligently ignored or violated a Federal, State, County or departmental safety policy, or has been injured, caused injury or has an at fault accident due to an unsafe act, disciplinary action may be applied up to and including dismissal based on the severity of the action.

Section 16. Drug-Free Workplace and Drug and Alcohol Policy

The County is committed to ensure the safety, health and well-being of employees and the general public and recognizes abuse of alcohol and other drugs compromises this dedication. Duplin County's goal is to provide a working environment free of substance abuse and drugs by establishing this "**Zero Tolerance" Drug-Free Workplace policy**. The County is concerned with those situations where the use of alcohol and other drugs seriously interferes with an employee's health, job performance, or adversely affects the safety of the public, the employee or other employees.

This policy will comply with the North Carolina Controlled Substance Examination Regulation Act (Chapter 95, Article 20 of the North Carolina General Statutes) and Administrative Rules (Title 13, Chapter 20 of the North Carolina Administrative Code). Employees who are required to have a commercial driver' license or CDL as part of their job requirement, must also comply with the current requirements set forth by the Department of Transportation (DOT) and the Federal Motor Carriers Safety Regulations (FMCSR).

The County will:

- Assure employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner;
- Create a workplace environment free from the adverse effects of drug abuse;
- Prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances in the workplace;
- Prohibit substances including but not limited to, the abuse of prescription, over the counter medications and use of illegal drugs; and
- Prohibit the use of alcohol in the workplace;
- Hold results of tests and personal medical information in strictest confidence and in accordance with the Health Insurance Portability and Accountability Act (HIPAA).
- Applicants and employees who test positive will be provided with a copy of the test results, if requested, and may request a retest of the original sample at the individual's expense.

This policy covers all County employees including probationary, regular or permanent full-time, regular or permanent part-time, trainees, temporary/substitute, seasonal, contract and volunteers for pre-employment testing, random selection testing, post-accident testing and reasonable suspicion testing. This policy is intended to apply whenever anyone is representing or conducting business for Duplin County. Therefore, this policy applies during all working hours including but not limited to while on call, while on paid stand-by, while on Duplin County property and at county sponsored events.

The County reserves the right to search employer-owned items used by the employee (i.e., desk, lockers, County vehicles/equipment, etc.) and employees cannot expect privacy in these containers. Law enforcement officials and Department Heads will be notified in appropriate cases.

The County will provide a "Controlled Substance and Alcohol Abuse Program" to provide for:

- Training of supervisors on the Drug-Free Workplace Policy; training to recognize and deal with employees who have performance problems or behavioral problems that may be related to alcohol and other drugs; training on how to make the determination on reasonable suspicion; how to refer employees to available assistance and the process for taking appropriate action.
- Training to employees with the information they need to fully understand, cooperate with and benefit from the County's drug-free workplace policy.
- Periodic training for all employees on the dangers of controlled substance and/or alcohol abuse, the County's expectations for employees, testing procedures, rehabilitation and penalties. All regular full and part-time employees will receive information during their new employee orientation. Refresher training will be conducted annually or on an as-needed basis.
- Testing for controlled substances and/or alcohol for pre-employment, post-accident, reasonable suspicion, random, and follow-up testing, where appropriate; to include prescribed requirements and procedures required by the FMCSR.

- As an alternate to job loss, for employees who notify their supervisors or Department Heads of an abuse problem prior to being discovered, the employee will be referred for treatment and rehabilitation in a rehabilitation program acceptable to the County, and the employee must successfully complete the program.
- Any employee violating the prohibitions or any of the specific provisions contained herein will be dismissed.

A. **Unacceptable Conduct.** Substance and/or alcohol abuse are strictly prohibited by the County and may result in termination of employment. Prohibited behavior includes, but is not limited to:
   1. The violation of the North Carolina Controlled Substance Act, the North Carolina Toxic Vapors Act or the U.S. Controlled Substance Act; or
   2. Unlawful manufacture, sale, delivery or possession with intent to manufacture, sell or deliver a controlled substance as defined by N.C. General Statute **§** 90-87;
   3. Unlawful manufacture, possession, sale, distribution or delivery of drug paraphernalia; or
   4. Use of alcoholic beverages on county property (except at authorized events at the Duplin Commons Event Center) while on duty
   5. A positive alcohol test indicates an alcohol concentration level of .04 or higher; or
   6. A positive test for a controlled substance; or
   7. The refusal to submit to drug and/or alcohol testing; or
   8. The refusal to authorize the release of the test results to the requesting department; or
   9. Evidence of tampering with a substance and/or alcohol test being administered by or for the County.

B. **Responsibilities.** It is the responsibility of managers, supervisors and employees to become familiar with the expectations of this policy and to comply with the provisions. Department Heads shall be responsible for administering the Controlled Substance and Alcohol Abuse Program and for holding supervisors accountable for daily implementation of this program. Department Heads, or designated subordinate supervisors, shall also be responsible for identifying substance abuse related behavioral and performance problems; documenting performance problems and enforcing the policy; following the proper referral for testing, counseling and/or rehabilitation; and taking appropriate disciplinary measures when necessary.

   1. **Pre-duty Use:** The County expects employees to report for work and perform their jobs in a sober condition; free of any controlled substances and/or alcohol; or abuse of any legal or prescribed drugs including over the counter medication. No person in a safety sensitive position shall perform safety sensitive functions within eight (8) hours after using alcohol. No supervisor having actual knowledge that an employee has used alcohol within four (4) hours shall permit an employee to perform or continue to perform safety sensitive functions. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration. No supervisor having actual knowledge that an employee has an alcohol concentration shall permit the employee to perform or continue to perform safety-sensitive functions.

      Employees shall inform their supervisor of the use of prescribed or over the counter medication that may impair their ability to perform work. Failure to do so may result in termination of employment. Employees who have a dependency on prescribed or over the counter medication may seek counseling, treatment or rehabilitation. Supervisors shall safeguard any confidential personal medical information in accordance with the Health Insurance Portability and Accountability Act (HIPAA).

   2. **Notification and Consent**: Employees will be notified if they are suspected of using or having a dependence on controlled substances, alcohol or the abuse of over the counter medication in violation of County policy and must submit to testing. Failure to do so, or to violate any other provisions of the County's policy on Controlled Substance and Alcohol Abuse, shall be grounds for dismissal. Any adulteration of a test will be grounds for dismissal. Before an alcohol or drug test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting the release of test results to those County officials who need to know. Failure to give consent will be grounds for denial of employment or dismissal.

      Human Resources will be the point of contact for all drug testing. The Human Resources Director or his/her designated point of contact will receive and maintain records of all drug testing results.

Human Resources shall notify Department Heads and employees of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are confirmed positive. Human Resources shall notify an applicant of the results of a pre-employment controlled substance test conducted under this policy, if the applicant requests such results within sixty (60) days of the notification of rescission of the conditional employment offer.

3. **Follow-up Testing**: The County reserves the right to conduct unannounced follow-up tests on any employee who has been conditionally returned to duty after having previously been approved and successfully completed a rehabilitation program. When the County determines that a follow-up test will be performed, the Department Head will be notified and responsible for notifying the employee of the date and time to report to the testing facility designated by the County.

4. **Off the Job Offense**: Any employee convicted for a drug and/or alcohol related offense must notify his/her supervisor within five (5) days of the conviction. Such employee may be required to submit to substance testing as defined herein. Federal contracting agencies, law enforcement or professional boards such as the Nursing Board will be notified when appropriate. Depending on the offense and its severability, disciplinary action may be imposed. Failure to notify the supervisor within the required period of time may result in the employee's termination.

5. **Challenge of Results**: Within five (5) days of notification of a confirmed positive drug test, an employee or applicant may request that the original sample be sent to an approved laboratory for a third test, at their expense. The results of this test will be taken into consideration for hiring and disciplinary action decisions. Employees or applicants will be offered the opportunity to discuss confirmed positive test results with the Medical Review Officer (MRO) to determine if there are alternative explanations for the positive test.

   In accordance with 13 NCAC 20 .0402 Post-Testing Notice to Examinees, within 30 days from the time that the results are mailed or otherwise delivered to the examiner, the examiner shall give notice to the examinee, in writing:

   1. Of any positive result of a controlled substance examination; and
   2. Of the examinee's rights and responsibilities regarding re-testing under G.S. 95-232(f).

C. **General Testing Procedures.** In all cases of reasonable suspicion testing, the employee must be escorted to the County's medical provider by their supervisor for testing. In the case of a post vehicular accident, the employee shall not be authorized to operate a County vehicle until the test results are received and the results are negative.

Under the North Carolina Controlled Substance Examination Regulation Act, North Carolina General Statutes Chapter 95, Article 20 and Administrative Rules, Title 13, Chapter 20:

1. All testing will be conducted according to DHHS/SAMHSA guidelines where applicable and will include a screening test, a confirmation test, the opportunity for a split sample, and review by a Medical Review Officer (MRO).
2. All employees will be afforded the opportunity to read and complete the Initial Notice to Employees/Applicants. According to this document, in the event that an employee/applicant has a positive drug test, the employee will be given the opportunity to have the sample re-tested. Re-tests must be the same sample and will be paid for by the employee/applicant.
3. All employees will be afforded the opportunity to read and complete the Post-Test Notice to Employees/Applicants.
4. The above listed forms will be returned to Human Resources once completed.
5. Failure to complete these forms or release the results to the requesting agency may result in dismissal.

Testing may include, but is not limited to, urinalysis, breath-analysis or blood sampling. A confirmed positive drug test for current safety-sensitive employees applying for a promotion, demotion or transfer may result in a mandatory referral for treatment or evaluation, or possible disciplinary action up to and including termination. The Department Head, coordinating his/her efforts with Human Resources and complying with the current personnel policy, may place an employee in administrative leave pending the

final results of testing. Assisting or tampering with a testing procedure may result in dismissal of an employee or withdrawing of a conditional job offer to an applicant. The results of a confirmation test will be considered final and a "new" test will not be allowed. An employee/applicant may, however, request to have the original sample re-tested at their expense.

1. **Controlled Substance:** Any evidence of a positive result will indicate the presence of controlled substances. MRO, provided by the testing facility, will review all positive tests for controlled substances prior to reporting the results to the County. An employee may request, at his/her own expense, a confirmation test of the sample. The County's testing facility will arrange for testing of the split sample.

   The County will use the same testing procedures as the Federal Department of Transportation. Non-DOT employees will be tested for, but not limited to, the following drugs: Marijuana metabolites, Cocaine metabolites, Amphetamines, Opiate metabolites, and Phencyclidine (PCP).

2. **Alcohol Testing:** A negative test for alcohol is an alcohol concentration level of less than .04. A positive test for alcohol is an alcohol concentration of .04 or higher. However, employees governed by DOT regulations who test between .02 and .039 must be sent home for twenty-four (24) hours.

D. **Classifications for Testing.**

1. **Pre-Employment Testing:** Prospective employees will be notified through a contingent offer that they are subject to drug and/or alcohol testing. All drug testing must be coordinated through Human Resources and will be administered by the County's chosen medical provider. Human Resources will schedule pre-employment testing to be conducted by the County's medical provider within five (5) business days from the date of the offer letter. A confirmed positive test will result in the rescission of the job offer to the applicant. A confirmed positive drug test for current safety-sensitive employees applying for a promotion, demotion or transfer may result in a mandatory referral for treatment or evaluation, or possible disciplinary action up to and including termination. Screening results must be received by Human Resources before an individual is permitted to begin employment.

2. **Reasonable Suspicion:** All County employees are subject to testing as a result of behavior that leads a supervisor to have reason to suspect controlled substance and/or alcohol usage, or abuse of over the counter medication. Such testing will be conducted when a supervisor has reason to suspect that an employee's ability to perform his/her job safely and efficiently is impaired. Under this condition, an employee's refusal to submit to testing or to allow the County access to the test results will result in dismissal. Supervisors shall remain alert to instances of substandard performance and/or personal conduct. Documentation shall be kept and brought to the attention of the employee, without making any accusations of substance or alcohol abuse. "Reasonable suspicion" is defined as a set of specific facts which, taken together with rational inferences from those facts, leads a supervisor to believe that an employee is on duty under the influence of controlled substances, alcohol, or over the counter medication. Such factors may include, but not be limited to, one or more of the following:

   a. Direct observation of drug or alcohol abuse and/or the physical symptoms of being under the influence; or
   b. Abnormal or erratic behavior at work, a pattern of absenteeism, tardiness or deterioration in performance; or
   c. A report of substance or alcohol use provided by reliable and credible source; or
   d. Arrest or conviction for a drug or alcohol related offense or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or distribution
   e. Evidence of tampering with a substance or alcohol test administered by or for the County; or
   f. Any employee involved in an on the job incident resulting in injury to persons or property damage; or
   g. Evidence an employee is involved in the use, possession, sale, solicitation or transfer of drugs while on the job or while operating County vehicles or other equipment; or
   h. An employee's admission of substance abuse.

   Upon determination of "reasonable suspicion," the Department Head or his designee shall:

a. Confront the employee privately about the performance/behavioral issues, stating suspicions, and allow the employee to reasonably explain their performance or behavior. A second party, preferably a supervisor, will be present.
b. If there is "reasonable suspicion" or the employee is currently "under the influence" of a prohibited substance, the supervisor shall notify Human Resources before transporting the employee to the appropriate testing facility designated by the County. A testing sample should be taken as soon as practical from the time the employee is suspected.
c. An employee subject to reasonable suspicion testing will be immediately placed on non-disciplinary suspension with pay pending a final determination. A confirmed positive test will result in dismissal.
d. If an employee is observed using a suspected substance, the supervisor may call law enforcement and/or demand that the employee surrender the substance and related paraphernalia. If the employee makes a credible claim that the suspected substance is prescribed medicine, the employee will be transported to the appropriate testing facility for confirmation.
e. All employees in need of medical assistance will be transported to a medical facility by Emergency Medical Services, as appropriate.
f. All drug testing must be coordinated through Human Resources.

3. **Post-Accident Testing:** The County will send employees to be tested for the presence of drugs and alcohol following an on-the-job accident under the follow circumstances:

a. A fatality
b. An injury to another individual requiring immediate medical treatment away from the scene of the accident
c. The employee is cited for a moving violation
d. The employee's vehicle is disabled and removed from the scene by other than its own power.
e. An accident that would necessitate the need to file a claim with the County's Property and Liability Insurance and/or Workers Comp.
f. A sequence of minor accidents or injuries where medical treatment may not have been required.
g. Reasonable suspicion based on facts that conclude the accident was due to the employee's drug or alcohol impairment; or
h. Employee holds a CDL or safety sensitive position.

Following an accident as defined above, the employee will be tested as soon as possible but not to exceed eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing. If the test is not administered within two (2) hours following the accident, the County shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

In the case of positions requiring a commercial driver's license, if a test required by this section is not administered within eight (8) hours for alcohol and thirty-two (32) hours for drugs, following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the Federal Highway Administration (FHWA) upon request.

The Department Head, supervisor or Safety Officer will ensure that the testing will be completed by the County's chosen medical provider and the results be forwarded to Human Resources. County employees will authorize the release of the test results to the County's Human Resources Department.

A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the County to have refused to submit to testing. If an employee refuses to submit to required post-accident drug and alcohol testing, they will be subject to immediate

dismissal for violation of County policy. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. No driver required to take a post-accident test shall recreationally use alcohol or controlled substances for thirty-two (32) hours following the accident unless it is medically indicated or until he/she undergoes a post-accident testing, whichever occurs first.

4. **Random Testing for DOT Governed Employees:** In accordance with the Code of Federal Regulations Part 49: Procedures for Transportation Workplace Drug and Alcohol Testing Programs, unannounced random testing shall be completed on employees who are required by the County to have a commercial driver license to perform one or more of their job duties.

   The County's Human Resources Department shall periodically throughout the year, randomly select employees covered by this classification for testing. The respective Department Head will be notified and responsible for notifying their selected employees of the date and time to report to the testing facility designated by the County.

   Controlled Substances: Random testing will be conducted throughout the year on an unannounced basis. Employees in job classifications covered by the FMCSR and DOT regulations will follow applicable test guidelines. Employees will only be tested for the following drugs: Marijuana metabolites, Cocaine metabolites, Amphetamines, Opiate metabolites, and Phencyclidine (PCP).

   The Medical Review Officer (MRO) will review a positive test for controlled substances prior to reporting to the County. An employee may request, at his/her own expense, a retest of the original sample. The County's medical provider will arrange for retesting of the split sample.

   Alcohol: Random testing will be conducted throughout the year on an unannounced basis. Employees in job classifications covered by the FMCSR and DOT regulations will follow applicable test guidelines. Employees will be tested on approved test equipment. A negative test for alcohol will indicate an alcohol concentration level of less than .04. A confirmed positive test will indicate an alcohol concentration level of .04 or higher. Should the employee request a retest, this must be completed at his/her expense through the County medical provider within one hour of the original confirmed positive test.

5. **Random Testing for Safety Sensitive Positions:** Random testing will be conducted throughout the year on an unannounced basis for employees covered by this classification. The respective Department Head will be notified by the County Human Resources Department of the selected employees. The Department Head will be responsible for notifying their employees of the date and time to report to the testing facility designated by the County. Supervisors will be responsible to ensure employees are notified on a specific date of the testing period to go to the County's medical provider for their random test.

   Controlled Substances: Random testing will be conducted throughout the year on an unannounced basis. Employees occupying positions designated as safety sensitive will follow the same applicable test guidelines as set forth in the DOT guidelines. Employees will be tested for but not limited to the following drugs: Marijuana metabolites, Cocaine metabolites, Amphetamines, Opiate metabolites, Phencyclidine (PCP).

   The Medical Review Officer (MRO) will review a positive test for controlled substances prior to reporting to the County. An employee may request, at his/her own expense, a retest of the original sample. The County's medical provider will arrange for retesting of the split sample.

E. **Safety Sensitive Positions.** A safety-sensitive position is a position where the duties involve such a great risk of injury to others that even a momentary lapse of attention can have disastrous consequences or a position where a single slip-up may have "irremediable consequences"; the employee himself will

have no chance to recognize and rectify his mistake, nor will other government personnel have an opportunity to intervene before harm occurs.

By definition from the U.S. Supreme Court, the below listed positions are classified as “Safety Sensitive”. This list includes, but is not limited to the following:

- Sworn law Enforcement Officers
- Fire Fighters
- Rescue Personnel
- Paramedics
- Emergency Medical Technicians
- Medical Responders
- E911 Telecommunicators
- Emergency Management Director
- Assistant Emergency Management Director
- Fire Marshal
- Registered Nurses
- Licensed Practical Nurses
- Certified Nurse Aides
- Physicians
- Vehicle Mechanics
- Social Workers
- Employees authorized to carry weapons to carry out their regular duties.
- Employees who drive to carry out their regular duties on a regular basis are considered safety sensitive.

F. **Employee Rehabilitation.** The County maintains a treatment attitude towards problems associated with substance abuse, and will use professionally trained resources for testing and counseling. However, the possession of drugs and alcohol in the workplace or the influences of these substances on employees during working hours are grounds for immediate dismissal. Prosecution may also result. Any full or part-time employee, who voluntarily notifies his or her supervisor of a dependency, prior to being discovered by the County, will be treated as follow:

1. The County's responsibility for the costs of any evaluation, treatment, counseling, or rehabilitation will be limited to the employer-paid benefits under the County's benefit plans including the Employee Assistance Program.
2. The employee will be considered for a leave of absence in accordance with the County's current leave policy.
3. Return to employment will be authorized upon certification to Human Resources of successful completion of a treatment program and the employee agrees to adhere to a Return to Work Agreement.
4. Reinstatement may be conditioned upon consent for random follow-up controlled substance or alcohol re-testing for a period of two (2) years.
5. Reinstatement will take into consideration the best interest of public safety, of other employees, the overall best interest of the County and the interest of the employee being rehabilitated. Positive results on a re-test will result in immediate dismissal.

Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

Section 17. Maintaining County Security

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

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

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

Employee Identification Badges. Employee identification badges are issued to all employees, volunteers, and interns. All of these persons listed herein may be required to wear an employee identification badge when conducting County business at County facilities or in the field. Anyone who loses or misplaces his or her County-issued employee identification badge must report this situation immediately to his or her supervisor and arrange for reissue. Upon termination of employment, all ID badges must be returned to the Department Head or Human Resources on the last day of employment. If the ID badge is not returned, a $25 charge may be deducted from the final pay check in accordance with FLSA regulations.

Section 18. County Property

Employees may be issued or have access to County property in the course and scope of employment. Employees are expected to maintain County property in proper and safe working condition and report any loss or damage to their supervisor immediately. Employees may be held responsible for loss of or damage to any assigned County property that is lost or damaged due to negligence, misuse or abuse. Employees are expected to return any County property that is assigned or otherwise in their possession upon termination of their employment. The employee's Department Head will decide if the employee is responsible for replacement or repair cost, and this cost may be deducted from the employee's wages in accordance with FLSA regulations.

Personal Use of County Property. County-owned equipment and facilities are not available for personal use by employees. Personal use is prohibited unless prior approval is given by the employee's supervisor.

1. Office furnishings and property should remain in County offices unless required for use to conduct County business.
2. The County's laptop computers may be assigned or checked-out by staff according to procedures established by the County Manager and upon approval of the employee's supervisor. Employees may check-out a laptop computer for business-related travel or business-related overnight or weekend use. The laptop should be returned to the County upon return of the employee to County offices.
3. County equipment or facilities may be loaned to community and civic organizations. Approval for such use must be obtained from the County Manager unless covered by a mutual aid agreement.
4. Unauthorized removal of County property or its conversion to personal use may be cause for disciplinary action up to and including dismissal.

ARTICLE III – TRANSPORTATION & TRAVEL

Section 1. Use of County Vehicles or Motorized Equipment.

Employees authorized to operate County vehicles or motorized equipment must use these strictly for County business. County vehicles or motorized equipment must be kept on the County's grounds or in its facilities when not in use. Exceptions to this policy will be those vehicles used by county employees that are regularly subject to be called when off duty at their permanent residence.

Any employee operating or riding in a County vehicle or other motorized equipment must:

1. Possess a valid driver's license and it must be in the possession of the driver at all times when operating a county vehicle.
2. Certain employees are required to possess a North Carolina Commercial Motor Driver's License (CDL) to drive 16 passenger county vans or other equipment.
3. Operate the vehicle or equipment in accordance with the County's safety policy
4. When driving, refrain from using a cell phone at all times, including but not limited to, telephone calls, texting, instant messaging, using telephone-based internet services or any other function that would violate North Carolina law and OSHA Distracted Driving standards, and
5. Refrain from smoking at all times.
6. Operate the vehicle in a manner consistent with reasonable practices that avoid abuse, theft, neglect or disrespect of the equipment.
7. Obey all traffic laws.
8. The use of seat belts and shoulder harness is mandatory for driver and passengers.
9. Adhere to manufacturer's recommendations regarding service, maintenance and inspection. Vehicles should not be operated with any defect that would prevent safe operation.
10. Be a county authorized driver and should be the only person driving the vehicle.
11. Prohibit unauthorized passengers. Department Head and/or County Manager must approve all non-employee passengers and guests
12. Report the occurrence of moving violations.
13. Accurately, comprehensively and timely report all accidents by an authorized driver and thefts of a county vehicle to Department Head.
14. Drivers shall not place unauthorized bumper stickers or unauthorized equipment in or on county owned vehicles. Drivers shall not remove any county markings or county equipment from the vehicle without the express written consent of the Department Head and County Manager.

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

Use of County Vehicles for Commuting. The County may require certain employees to commute to and from work in County vehicles where it is deemed to be in the best interest of the County to reduce travel time, compensatory time or overtime, or improve efficiency of County business. In accordance with federal and state law, an employee may not use a County-owned vehicle for personal use other than commuting. Under these conditions the County will account for commuting use as required in IRS regulations. Any employee operating a County vehicle for commuting purposes is subject to the following conditions:

1. Vehicle shall not be used for commuting purposes outside the County, with exception of vehicles used for law enforcement or emergency services purposes.
2. Vehicle shall be kept in a safe and secure location on nights and weekends. Vehicles should be properly secured and locked when not in use.
3. Employees shall not use vehicles for personal use except de minimus use, such as driving to lunch while away from the office.
4. The County will follow IRS regulations concerning the use of employer-provided vehicles.

   Any private use of county-owned vehicles is prohibited. Under present income tax law, commuting to and from work, using a county-owned vehicle is not exempt under the 1985 Tax Act and therefore is a taxable fringe benefit. The County has elected not to withhold federal and state income taxes on this fringe benefit; however, Duplin County is required to withhold FICA. FICA taxes for the entire year will be withheld from a December payroll check.

   The personal use of a county vehicle for commuting to and from work using a non-exempt vehicle will be valued at $3.00 per day of use in accordance with IRS Regulations and will be reported on the employee's annual W-2. Employees have the option of increasing their federal and state withholdings by filing a new Form W-4.

   Internal Revenue Code 274(d) provides strict substantiation requirements for use of a county vehicle by an employee. The employee must keep records of business and personal mileage. If records are not provided by the employee, the value of all use of the vehicle is taxable income to the employee. If records are provided by the employee, the value of all personal use of the vehicle is taxable income to the employee. A qualified non-personal use vehicle (ex. clearly marked police vehicle, fire vehicle, unmarked vehicle used by law enforcement officer, ambulance, passenger bus with a capacity of at least 20 people, etc.) is released from the strict substantiation requirements. An employee that qualifies for the commuting valuation rule is released from the strict substantiation requirements.

   The taxable value of the county vehicle provided to the employee can be calculated by several methods, which are commuting value rule, cents per mile rule and annual leave value rule.

   An individual auditor from the IRS might interpret the regulations differently and consider the value of commuting as a taxable fringe benefit on those vehicles the County has determined to be exempt. The IRS's decision would take precedence over the County's interpretation and the employee would be subject to whatever additional taxes that result from the value of commuting to and from work.

5. Occasional use of a County owned vehicle for commuting may be authorized by the County Manager or Department Head where it is deemed to be in the best interest of the County, where it will serve to reduce travel time, compensatory time or overtime or otherwise improve efficiency in the conduct of County business.

6. All vehicles assigned for commuting must be approved by the County Manager.

7. Vehicles that are centrally parked will be available for use on official county business, the assignment of which will be under the control of the responsible department head.

County Vehicle Maintenance

Maintenance - Authorized drivers are required to properly maintain their county vehicles at all times. Vehicles should not be operated with any defect that would inhibit safe operation. Preventive maintenance such as regular oil changes, lubrication, tire pressure and fluid checks determine to a large extent whether you will have a reliable, safe vehicles to drive and support work activities. You should have preventive maintenance completed on your vehicle as required in the owner's manual. This service should be done at the county garage. Vehicle repairs or service in excess of $50 must have prior approval by the department head.

Gasoline - Drivers shall utilize the county owned gasoline and disease fuel pumps when refueling their vehicles. Exceptions will be made at the discretion of the department head as authorized by the County manager. Reimbursement or fleet fuel cards will be provided for drivers traveling distances necessitating additional fuel while operating county vehicles out of the area.

Breakdowns - When a vehicle becomes inoperable in the local area, the driver, after seeing that the vehicle is safely removed from the roadway, if possible, is to contact the County Garage for assistance. When a vehicle becomes inoperable out of the local area, the driver may arrange, as necessary, for local towing service to the nearest repair facility. Prior to making any commitment for repairs, the driver shall obtain an estimate for such repairs and contact the County Garage for guidance.

Personal Cars Used on County Business: The County does not assume any liability for bodily injuries or property damage that the employee may become personally obligated to pay arising out of an accident occurring in connection with the operation of his/her own car.

Any person, using their personal vehicle for company business must meet the following criteria:

- Satisfy the company driver qualification requirements by possessing a valid driver's license
- Provide a certificate of insurance with limits of liability of at least $30,000/60,000/25,000.
- The vehicle must pass the North Carolina Annual Safety Inspection (*A receipt where county taxes have been paid on the vehicle will also satisfy this requirement since a vehicle must pass the annual safety inspection as part of this process*.)

An employee that fails to meet the above standards will not be able to drive his/her personal vehicle while conducting county business. If driving is an essential job requirement of the employee's position and the employee has no alternative mode of transportation that meets those guidelines and no county vehicle is available, the employee may be terminated from his/her position. It is the responsibility of the employee to notify their Supervisor or Department Head if any of the above requirements change. If the employee fails to notify their Supervisor or Department Head within 72 hours of a change, it may be cause for disciplinary action up to and including dismissal.

Mileage Reimbursement - The reimbursement to the employee for the operation of his/her car on county business includes the allowance for the expense of automobile insurance through the current IRS mileage reimbursement rate.

For non-routine trips, the employee must document: the date of travel; the beginning location, the ending location, the beginning mileage, the ending mileage, the purpose of the trip, total mileage, and the amount of reimbursement requested.

For routine trips, the employee must use the reimbursement mileage as established by the department head. The employee must document: the date of travel, the number of times traveled on that date, the purpose of the trip, total mileage, and the amount of reimbursement requested.

Department heads are required to submit established routes and mileage to Finance and are required to review and update these routes and mileage annually.

The department head or an authorized designee must confirm that the trip was for county business by initialing and coding the reimbursement request. The department head/authorized designee/or management may determine maximum mileage amount to be reimbursed for any trip by use of a map service such as map quest and may determine that the shortest route available from the service used is the maximum mileage payable for the trip. No matter how the mileage is confirmed, the miles reported must be reasonable and when confirming a mileage request through a map service the mileage approved can be no more than 5% different than the shortest route obtained through the map service used. If any trip requires more than a 5% difference in the shortest route through an available map service, it is required that the department head approve the request and document in writing on the request the reason the mileage approved is more than 5% above the shortest route available per the map service used.

Section 2. Compensating Employees for Travel Time & Mileage

Duplin County adheres to IRS Guidelines and the Department of Labor regulations in reference to compensating employees for travel time and privately-owned vehicle (POV) mileage reimbursement unless an exception above the minimum requirements is noted.

Travel for non-exempt employees is counted as hours worked (compensable) under the Fair Labor Standards Act in certain situations. The normal home to work and work to home commute is generally not compensable work time. However, if the employee is *required* by the County to pick up other employees, pick up supplies, or perform other work during the home-to-work or work-to-home commute, the travel could be compensable. (Note: Voluntary carpools for the work commute would not be compensable.)

Travel from home to the regular work place and from the regular work place to home, even if the employee is called to come to work on a non-scheduled work day or called to return to work on a scheduled work day, is not eligible for mileage reimbursement.

Home to work on a special one day assignment in another city: An employee who regularly works at a fixed location is given a special one day assignment in another city and returns home the same day. The time spent in traveling to and returning from the other city is work time, except that the county may deduct/not count that time the employee would normally spend commuting to the regular work site.

An employee that travels from home to a temporary work site driving past his regular work place on the way may claim the mileage from home to the temporary work site as reimbursable and this mileage may be excludable from taxable income to the extent of the actual distance traveled. IRS Rev. Rule 99-7 defines a temporary work site as one where employment is expected to last for one year or less. A regularly scheduled work location such as a Library Assistant regularly scheduled to work the main branch and a municipal Branch, Emergency Services Paramedic regularly scheduled to work two (2) or more locations, Solid Waste employee regularly scheduled to work different landfill sites, etc. is not considered a temporary work site and therefore mileage from home to work site is not reimbursable but is considered commuting mileage. The mileage would be reimbursable only if the employee traveled from work site to work site during the work schedule.

Travel that is all in a day's work: Time spent by an employee in travel as part of their principal activity, such as travel from job site to job site during the workday is work time and must be counted as hours worked.

- Travel from home to first worksite – non-compensable time
- Travel from worksite to worksite during the day – compensable work time
- Travel from employer's premises to work site – compensable work time
- Travel from last work site to employer's premises – compensable work time
- Travel from last work site to home – non-compensable time

An employee that travels from home to the regular work place, from the regular work place to an alternate work site, and from the alternate work site to home; may claim the mileage from the regular work site to the alternate site as reimbursable mileage and this mileage is excludable from taxable income.

Travel away from home community: Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it occurs during the employee's workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days.

The Department of Labor (DOL) does not consider work time the time spent in travel away from home outside of regular working hours as a *passenger* on an airplane, train, boat, bus or automobile. However, if the employee is driving, the time would be hours worked.

Special Note: Duplin County has determined that it would be more beneficial to compensate employees that ride together to conferences, training, etc. than if they were to drive separately. Therefore, in this situation, whether the employee is the driver or passenger in the car, all employees riding together to attend a conference, training, etc., the travel would be compensable no matter what the work hours. If the compensable hours for the approved travel calculate over 40 hours in the work week, the driver would be compensated overtime at time and ½ for each hour over 40 and the passengers would be compensated straight time for each hour over 40.

Section 3. Traffic Violations and Accidents

Traffic Violations: Fines for parking or moving violations are the personal responsibility of the assigned operator. The county will not condone nor excuse ignorance of traffic citations that result in court summons being directed to itself as owner of the vehicle.

Each driver is required to report all moving violations to the department head within 24 hours. This requirement applies to violations involving the use of any vehicle (county, personal or other) while on county business. Failure to report violations will result in appropriate disciplinary action.

The County will not assist or pay for any fines or penalties incurred due to moving violation that is due to employee's own personal conduct. The County will not provide proof of payment of property damage or proof of insurance to Court officials in order for said moving violations to be dismissed against employees in traffic or criminal court unless said moving violation is due to the County's conduct.

Traffic violations incurred during non-business (personal use) hours will affect your driving status and are subject to review.

Accidents Involving County Vehicles: Insurance instructions and Incident Report forms are located in the glove box of each county vehicle. In the event of an accident, please follow the insurance instructions and complete the Incident Report and :

1. Stop at once! Check for personal injuries. Do not leave the scene, but ask for the assistance of bystanders.
2. If fire or smoke is present, evacuate vehicle occupants to a safe location. If stalled on a railroad track, evacuate occupants to a safe location away and at a right angle from the track.
3. Apply first aid if necessary.
4. Call 911 if needed.
5. Record names and badge numbers of law enforcement for report.
6. Protect the scene. Set emergency warning devices to prevent further injury or damage. Secure your vehicle and its contents from theft.
7. Record names, addresses and phone numbers of all witnesses, injured individuals and rider(s) and their passengers. Record vehicle license numbers.
8. Take a photograph of the scene of accident, if possible
9. Do not argue! Make no statement except to the proper authorities. Sign only official police reports. Do not make statements regarding the operating condition of your vehicle and do not admit fault. Do not attempt settlement regardless of how minor the accident.
10. Complete the incident/accident report at the scene as thoroughly as possible. Exchange insurance information such as policy numbers and vehicle identification with other involved driver(s).
11. If you strike an unattended vehicle and cannot locate the owner, leave a note with your name and the county's address and phone number, get the vehicle description, VIN number and license plate number.
12. Turn all information over to your department head as soon as possible but no later than 24 hours.

Thefts: In the event of the theft of a county vehicle, notify law enforcement immediately and report to Department Head within as soon as possible but no later than 24 hours.

Preventable Accidents: A preventable accident is defined as any accident involving a county vehicle that results in property damage and/or personal injury, and in which the driver in question failed to exercise every **reasonable precaution** to prevent the accident.

i. Following too close
ii. Driving too fast for conditions
iii. Failure to observe clearances
iv. Failure to obey signs
v. Improper turns
vi. Failure to observe signals from other drivers
vii. Failure to reduce speed
viii. Improper parking
ix. Improper passing
x. Failure to yield
xi. Improper backing
xii. Failure to obey traffic signals or directions
xiii. Exceeding the posted speed limit
xiv. Driving While Intoxicated (DWI) or Driving Under the Influence (DUI) or similar charges

Upon investigation, if it's determined that the employee caused a preventable accident; the employee may be disciplined up to and including termination. Please also reference Article III – Conduct and Ethics, Section 15. County Property where the employee may be held responsible for loss of or damage to any assigned County property that is lost or damaged due to negligence, misuse or abuse.

Section 4. Driver's License Requirements and Driving Record

Employees who operate County vehicles or operate a vehicle on County business as part of the essential duties of their position are required to meet the minimum standards set by the County and have possession of an appropriate driver's license valid in the State of North Carolina, except where preempted by military involvement, and proof of coverage as an insured driver. Any employee whose license is revoked, suspended, or lost, or whose insurance coverage is terminated, must notify his/her Department Head immediately. The employee will be unable to resume operating a a County vehicle or performing County business on their personal vehicle until providing proof of a valid driver's license and insurance coverage to the Department Manager. Employees who are not able to perform essential job duties due to the suspension or revocation of their driver's license may be reassigned to a non-driving position or dismissed.

Driver qualifications to be approved to drive a county vehicle are as follows:

(a) Authorized employee of the county
(b) Must be at least 21 years of age
(c) Have at least one year of experience in the class of vehicle operated (Class A, B or C)
(d) Must meet licensing requirements
(e) May not qualify for driving to conduct county business, if, during the last 36 months, the driver had any of the following experiences:
    i. Been convicted of a felony
    ii. Been convicted of sale, handling or use of drugs
    iii. Has automobile insurance canceled, declined or not renewed
    iv. Been convicted of an alcohol- or drug-related offense while driving
    v. Had driver's license suspended or revoked
    vi. Been convicted of three or more speeding violations or one or more other serious violations
    vii. Been involved in two or more chargeable accidents

Motor Vehicle Record Policy: It is Duplin County's policy and requirement for employment that every employee position with driving duties requires a county review of their motor vehicle record (MVR). This MVR policy applies both to drivers of county owned vehicles as well as employees driving personal vehicles in the course of county business.

MVRs will be examined prior to the start of employment and at least annually thereafter. Any job offer made to an employee-candidate for a position with driving duties shall be contingent upon a MVR meeting the required standards and continued employment in a position with driving duties also requires a MVR meeting the standards outlined below.

The standards for MVRs are as follows:

1. All operators must have a valid driver's license for at least three years.
2. No new driver will be hired with a "borderline" or "poor" MVR.
3. Driving records must remain "acceptable" or "clear" for continued employment in positions with driving duties.

North Carolina Transportation Notification System is a companion database with the Division of Motor Vehicles database. In an effort to mitigate the potential negative consequences of high-risk driving behavior, every county employee that drives either county vehicles or their personal vehicles to conduct county business is required to sign a Transit Driver Notification System Driver's Disclosure form to authorize Duplin County to connect your driving record with the County as your employer. Once the process is completed, the Department of Motor Vehicles will notify Duplin County when an employee is convicted of a driving offense.

Global Positioning System (GPS) is technology available for Duplin County to monitor county owned vehicles for safety and efficiency. We utilize this software to be able to:

- Managing productivity, e.g., dispatching, locating and routing employees to job sites;
- Ensuring safety, e.g., tracking an employee who doesn't arrive at his destination or identifying employees who need more driver training;
- Protecting and managing assets, e.g., locating missing or stolen vehicles and obtaining odometer readings for vehicle maintenance; and
- Improving customer service, e.g., notifying drivers of scheduling changes and providing more accurate vehicle-arrival information for clients.
- Evaluating driver job performance to ensure county vehicles are driven and/or parked in approved and appropriate areas – work sites, county offices, etc.

Employees are cautioned that they should have no expectation of privacy while using County vehicles. The County reserves the right to monitor and track drivers in county vehicles. County vehicles are a highly visible reflection of county government and therefore drivers of these vehicles are expected to drive them safely and in appropriate places at all times.

The Department Head and/or County Manager may access the GPS software and run reports as necessary. If it becomes a disciplinary or legal matter, Human Resources and the County Attorney may be involved in the investigation. Violations of this policy may result in disciplinary action up to and including termination.

Section 5. Credentials

Employees may be required to obtain or maintain licenses, certifications or registrations as required by law, rule, regulation, occupation boards or the duties of their position. All such requirements and restrictions are specified in the statement of essential qualifications or recruitment standards for classifications established by the County Manager's Office or State Personnel Commission or in the job description for the position.

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

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

SECTION 6. Portable Communication Device Policy

County cell phones, two-way radios, and pagers are provided to improve customer service and to enhance business efficiency. Cell phones are not a personal benefit and should not be used as a primary mode of personal communication. Personal use is only allowable in cases where there is no alternative form of communication and the need for personal use is immediate and compelling. Personal calls, when necessary, should be brief (less than three minutes in duration).

Business use includes county-related calls during the employee's scheduled work hours, to include overtime hours, emergency hours, and hours while attending county sponsored training, conferences, schools, etc.

Personal use of a county provided device is prohibited for all incoming and outgoing calls, text messages, picture messages, easy edge, or any other service the county device provides.

In an effort to substantiate how the device was actually used and to allow the employee to identify/document personal use, if it occurs: Duplin County requires all employees assigned a county portable communication device to review the monthly bill for their device; to highlight personal incoming or outgoing calls, text messages, or any other personal use identified on the bill; to initial/sign and date the bill; and to return the bill to finance, at least five working days before the due date of the bill. If personal items are identified, the employee must reimburse the County for the cost of the personal items. This cost will be determined by finance and submitted to Human Resources for a payroll deduction from the employee's next pay check.

To confirm compliance with this policy, audits of bills will be performed. Any requirement of this policy not followed by the employee assigned the device, will be considered a violation of this policy. Any findings of personal use, not identified by the employee, will be considered an intentional violation of this policy

Using a cell phone while operating a motorized vehicle is prohibited. When an employee must use their cell phone while driving, they should keep conversations brief, avoid unnecessary calls, and no calls should be made if driving is hazardous. If it is necessary for the employee to read or write while taking the call, the employee should pull off the road. In all cases, adherence to current laws regarding cell phone usage will prevail.

In accordance with N.C. General Statute § 20-137.4A., **it's unlawful to use a mobile telephone for text messaging or electronic mail while operating a vehicle** on a public street or highway or public vehicular area while using a mobile telephone to:

(1) Manually enter multiple letters or text in the device as a means of communicating with another person; or
(2) Read any electronic mail or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or

number stored neither in the device nor to any caller identification information.

The Statute further states that it is unlawful for any person to operate a commercial motor vehicle subject to Part 390 or 392 of Title 49 of the Code of Federal Regulations on a public street or highway or public vehicular area while using a mobile telephone or other electronic device in violation of those Parts. Nothing in this subsection shall be construed to prohibit the use of hands-free technology.

Exceptions. – The provisions of this section shall not apply to:

(1) The operator of a vehicle that is lawfully parked or stopped.
(2) Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance.
(3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system.
(4) The use of voice operated technology.

All employees should take time to become familiar with the various cell phone functions. The cell phone should be placed where it is easy to see and reach. Employees should bear in mind that cell phone calls can be intercepted and should take proper precautions when discussing confidential information.

Department Heads should evaluate positions that need to be issued portable communication devices and, when deemed necessary, complete the request form. All request forms must be signed by the Department Head and a copy submitted to the County Manager.

When the portable communication device or cell phone is issued to the employee, the employee will be required to sign the "Cell Phone Policy Acceptance."

Department Heads are responsible for reviewing cell phone bills for their staff on a monthly basis.

Employees who abuse this policy will be subject to disciplinary action up to and including termination. Violations or infractions of the N.C. General Statute cited above may be punishable by a fine of one hundred dollars ($100) and the costs of court. Employees are responsible for payment of all fines and/or court cost.

Section 7. Travel

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

Applicability of Policy, Definitions and Guidelines

Duplin County adheres to IRS Guidelines and the Department of Labor regulations in reference to compensating employees for travel and privately-owned vehicle (POV) mileage reimbursement

unless an exception above the minimum requirements is noted. All employees, County approved drivers, and officials of the County are subject to this policy.

A. **Definitions.**

1. **Authorizing Party** – individual authorized by this policy to approve or disapprove travel requests, cash advance requests, and travel reimbursement requests.
2. **Duty Station** – The job location at which the employee spends the majority of his or her working hours or the point at which the majority of travel beings.
3. **Mileage Rate** – The rate at which a person is reimbursed for use of a personal vehicle. The Board of Commissioners approved rate usually becomes effective at the beginning of each fiscal year and takes into consideration the current standard IRS mileage allowance.
4. **Requesting Party** – County employee, approved driver or official who will be reimbursed for travel costs incurred while conducting County business.
5. **Travel** – going from the normal job location to another work station to conduct County business.
6. **Transportation** – costs incurred for travel by automobile, taxi, rental cars, bus train, or plane. It includes tolls, parking fees, and tips for the handling of baggage.
7. **Subsistence** – costs incurred during travel for lodging and meals, including tips.
8. **Documentation** – original invoices, paid bills, attendance certificates, ticket stubs, agendas, etc.
9. **Statement of Travel Expenses** (Form) – travel reimbursement request.
10. **Travel Description** Form – general description and/or explanation of travel.
11. **Check Request** – Request of funds for accommodations or expense.
12. **Willful Violations** – Excess costs, indirect routes, luxury accommodations, and services unnecessary or unjustified in the performance of official business for which a request for reimbursement or payment is made.

B. **Guidelines.**

1. Travel Authorization
   a. For all in-state, out-of-County non-overnight travel, other than travel of the County Manager, County Attorney and elected County officials, the Department Head is the authorizing official, unless otherwise directed by the County Manager, and the Department Head is responsible for determining that a sufficient unexpended appropriation remains in the department travel budget to reimburse all expected costs of travel.
   b. Out-of-state travel requests by employees and Department Heads will be authorized by the County Manager in addition to the Department Head.
   c. The Manager's Office is responsible for determining that funds are available to cover the estimated cost of the travel. Advance travel requests must be submitted a minimum of fourteen (14) working days prior to travel. Emergencies will be handled on a case-by-case basis. If a sufficient balance remains in the travel expenditure line item, the advance travel request may be approved. If the remaining balance in the expenditure item is insufficient to cover the estimated cost of travel and other monies are not yet available, the requesting party will be notified by the County Manager. The Department Head is responsible to ensure adequate funds are available for travel.
   d. Authorization of travel requests will be based upon need and cost/benefit of travel as determined by the authorizing party and funds availability.
   e. Employee travel within Duplin County does not require written approval of the County Manager. However, the Department Head or designated staff should be made aware of the travel plans and give verbal approval of the plans. Failure to obtain verbal approval from the required individual of the travel plans will result in the requesting party receiving no reimbursement for travel costs.

f. Use of a County automobile must be approved, prior to use, by the Department Head.
g. The County Manager must approve all overnight travel.
h. An out-of-town or overnight travel request must describe the travel requested, the purpose of the proposed trip, and the period of time away from the county. A copy of the request with the County Manager's approval must be attached to the pre-travel payment requests and the original advance travel approval must be attached to after travel reimbursement requests.
i. Out-of-county travel not requiring overnight stay will be approved by the department head for his/her employees.
j. All travel which is reimbursed by Federal or State funded programs must confirm to the travel guidelines provided by the program and the county guidelines.

2. Arrangements, Accommodations, Travel Advances, and Travel Allowances
   a. The authorizing party must approve all arrangements for travel. All travel costs, not paid in advance by the County, will be paid directly by the requesting party, and will not be billed to the County. The requesting party is encouraged to reserve transportation and lodging in advance when possible.
   b. The requesting party is encouraged to travel with other employees and officials of the County and representatives of other government units when possible. The requesting party will be reimbursed for actual costs incurred only subject to the limitations established herein.
   c. Travel advances will be issued based on documented needs on the Duplin County travel Authorization and Cash Advance Request Form. Advances will be requested on a Duplin County travel Authorization and cash Advance Request Form that will be recommended by the Department Head and approved by the County Manager. The amount of the travel advance may not exceed the estimated travel cost and the minimum travel advance request will be $50.00. Cash advances will not be issued if request is submitted less than ten (10) days prior to travel. Emergency situations may be considered by the Manager or Finance Officer. Travel advances will be repaid when a statement of travel expenses is submitted. The Finance Department will not issue a travel advance unless it has been approved.
   d. Travel advances will not be issued for a trip that does not involve an overnight stay.

C. Travel Limitations. Attendance to conventions and conferences will be limited to the requesting party authorized to attend the convention or conference. Attendance by additional parties, i.e. spouses, will be at the employee's own expense.

3. Transportation

A. **Reimbursement of Costs.** All necessary bus, train, and air transportation will be obtained at the most economical rate available. Reimbursements will be made for actual costs that are incurred and original receipt supported. No credit card receipts will be accepted. This includes the cost of taxi service and parking fees, as long as original receipts are submitted.

B. **Common Carrier**: Actual coach airfare substantiated by a receipt will be reimbursed. First class travel will only be used in extraordinary circumstances and with approval of the department head and County Manager. Penalties and charges resulting from cancellation of airline reservations or other travel reservations shall be the County's obligation if the employee's travel has been approved in advance and the cancellation or change is made at the direction of and for the convenience of the County. If the

cancellation or change is made for the personal benefit of the employee, it shall be the employee's obligation to pay the penalties and charges. However, in the event of accidents, serious illness or death within the employee's immediate family or other critical circumstances beyond the control of the employee, the County will be obligated to pay the penalties and charges.

C. **Vehicles.**

1. **Personally Owned Vehicle (POV).** A requesting party may use his/her personal automobile for travel and be reimbursed at the current Board of Commissioners approved rate only if one of the following conditions are met:
    a. No County automobile is available.
    b. The requesting party has a physical handicap that requires use of a specially equipped vehicle or has a physician's statement certifying that use of a personal vehicle is required.
    c. An after-hours emergency situation requires the travel.
    d. Approved advance travel form authorizing use of personal vehicle.
    e. Department Head authorizes use of personal vehicle.
2. **County Vehicles**: County automobiles may be used for any authorized travel. The requesting party must obey all laws of the jurisdiction in which the automobile is being operated. The automobile will be used for the purpose of conducting County business only. A minimal amount of personal use, such as driving the automobile to and from a meal will be allowed. Non-County employees may accompany County employees if they have a business interest in the travel.
3. **Rental Vehicles**: A rental automobile will be used when it is determined that no other mode of transportation is as economical or practical. A rental automobile should be used for business purposes only. A minimal amount of personal use, such as driving to and from dinner, will be permitted. Use of a rental automobile must be approved in advance.

D. **Local Transportation.** Local transportation costs (e.g. taxi fare) incurred while on out-of-town business will be reimbursed. The most economical and reasonable form of transportation will be used. Original receipts must be obtained and submitted with travel reimbursement requests. Credit Card receipts will not be accepted.

4. Subsistence

A. **Lodging.**

1. Lodging will be reimbursed at the actual amount incurred.
2. Original itemized receipts for lodging costs must be submitted. The lodging rate is limited to the lowest available single room rate when an employee is traveling with his/her spouse and children. Any charges accrued by additional individuals will be paid by the employee. The charges are not reimbursable.
3. Lodging expenses for locations which are within seventy-five (75) miles of the County seat must be approved in advance by the County Manager.
4. Only charges for room and tax will be reimbursed. Additional personal expenses are not reimbursable. Employees sharing a room with a non-county individual (including family members) are responsible for reporting and requesting reimbursement of lodging expenses at single occupancy rates.

B. **Meals.**

A per diem system is a daily allowance to pay for meal expenses while traveling on business. If a rate higher than the Federal per diem rate is used, the excess is taxable as wages.

Breakfast	$7

Lunch	$11
Dinner	$23

Per IRS regulations, the value of employer-provided meals and reimbursement for meals are included in the taxable income of the employee, unless there is some provision that allows for the meal to be excluded from taxable income. A meal may be excluded from the taxable income of the employee if the meal is a result of the employee traveling away from home overnight on business, if the meal is on the employer's business premises and for the employer's convenience. For meals to be excludable from taxable income, the amount reimbursed for a meal must be paid under an accountable plan.

The accountable plan must meet the following:

1. there is a business connection,
2. the employee must substantiate the expense, and
3. the employee must return any excess amounts.

For IRS information about meal reimbursements see Circular E, Employer's Tax Guide (Publication 15), Employer's Tax Guide to Fringe Benefits (Publication 15-B, and Publication 463, Travel, Entertainment, Gift, and Car Expense on the IRS website (www.irs.gov) .

It is the policy of Duplin County to reimburse officials and employees for actual meal expenses incurred while traveling away from home overnight on county business and for actual meal expenses that are for the convenience of the employer, such as attending a meeting that is conducted during a meal, but no more than the maximum meal amount as approved by the Board of Commissioners will be reimbursed to the employee.

If the employee has no choice on the meal price because it is a fixed amount for all attendees or the employee is attending a meeting involving a meal and the employee has no available meal price option that is equal to or less than the maximum amount, the employee can submit such evidence to the County Manager and request reimbursement at the higher rate.

Employees must submit original receipts with their reimbursement request. The receipt should show the amount of the expense, the date of the expense, the time of the expense, the location of the expense, and the business reason for the expense. These receipts must be the original receipts identifying what was purchased and from whom. Tips may be added to the receipt and are included in the maximum amount listed above. Debit card receipts or charge card receipts are not acceptable.

What constitutes a reimbursable meal:

- A meal that an employee purchases when the employee has received overnight travel approval from the county manager and does in fact stay away from home overnight for a work related event.
- A meal that an employee purchases when attending a meal meeting for the convenience of the employer, whose main purpose of the meeting is the active conduct of business, which means, business is being discussed during the entire meal process.

Duplin County will not reimburse employees for the purchase of alcoholic beverages. An exception is made in the case of Economic Development or Tourism when entertaining potential clients or current clients. The purpose of the entertainment must be noted on the receipt.

Duplin County will not reimburse employees for snacks. An exception is made in the case of small items or meals purchased for a child while in protective custody of the County.

Reimbursement requests may be reviewed by Management prior to issuance of check, during internal audit, and/or by the county auditors for compliance with this policy. Reimbursement request may be reviewed by IRS auditors for compliance with IRS regulations. These reviews may involve review of: receipts for location of vendor, time receipt was issued by vendor, items to be reimbursed, advance travel authorization, the business purpose, and may involve obtaining further clarification from the department head and/or the employee.

According to IRS guidelines, generally meal reimbursement is taxable as wages to the employee because travel must be away from home overnight to be excludable unless it meets the de minimis fringe benefits exclusion. According to the January 2012 IRS Taxable Fringe Benefit Guide for De Minimis Fringe Benefits, De Minimis Exclusion for Occasional Meal Reimbursements, "Regularly provided meal money does not qualify for the exclusion for de minimis fringe benefits provided by an employer. Occasional meal money can meet an exception and be excludable from taxes, if the following three (3) conditions are met:

1. **Occasional Basis** – Meal is reasonable in value, and is not provided regularly or frequently, and
2. **Provided for Overtime Work** – Overtime work necessitates an extension of the employee's normal work schedule, and
3. **Enables Overtime Work** – Provided to enable the employee to work overtime. Meals provided on the employer's premises that are consumed during the overtime period, or meal money expended for meals consumed during that period, satisfy this condition. Reg. § 1.132-6(d)(2)

Meals served, as part of a convention or conference will be reimbursed at actual cost. Documentation of actual cost must be attached to statement of expenses when reimbursement is requested.

Meals for family members are a cost to the employee and are not reimbursable by the county. If more than one individual's order is on the original receipt being submitted for reimbursement, the employee must identify the amounts incurred by the employee on the receipt, thereby attesting that those identified amounts are eligible reimbursable employee amounts per the policy.

If more than one individual's order is on the original receipt being submitted for reimbursement and the other amounts are eligible for reimbursement also, the requesting individual must document the reason the other amounts are reimbursable. (*Example: 1) Entertaining potential economic development clients – Project IPOD, 5 attending in addition to name, Economic Development Director, and name, County Manager. 2) Tourism Summit – 45 guests in additional to name, Tourism Director.)*

Reimbursements or allowances provided to employees for meals in the course of entertaining customers may be tax excludable if the expenses are ordinary and necessary and meet either a Directly Related Test or an Associated Entertainment Test.

- Directly Related Test is the main purpose of the combined business and meal is the active conduct of business, business is actually conducted during the meal period and there is more than a general expectation of deriving income or some other specific business benefit at some future time.

- Associated Entertainment Test is associated with the active conduct of the employer's business and directly before or after a substantial business discussion. There is a clear

business reason for incurring the meal and the purpose may be to get new business or to encourage the continuation of an existing relationship.

The County Manager will handle exceptions to the meals' reimbursement policy on a case-by case basis.

Lodging and Subsistence will be reimbursed based on documented (paid itemized receipt) expenditure.

C. IRS Sleep and Rest Test

1. In order for a reimbursement of an expense for business travel to be excludable from income, including meals and lodging, an employee must travel "away from home" in the pursuit of business on a temporary basis.
2. "Away from home" has been interpreted by the U.S. Supreme Court to require an employee to travel overnight or long enough to require substantial "sleep or rest". Merely working overtime or at a great distance from the employee's residence does not create excludable reimbursements for travel expenses if the employee returns home without spending the night or stopping for substantial "sleep or rest."

D. Other Costs.

1. Long distance personal telephone calls are not reimbursable except the requesting party will be permitted to make one "safe arrival" call and a single call per day not to exceed ten (10) minutes in length. Emergency phone calls will be permitted such as a significant change in travel plans. Phone calls for Official County business are reimbursable expenses. These calls must be supported by documentation of the circumstances for the call(s).
2. Receipt supported registration fees for a conference or convention will be reimbursed provided the fee was approved on a Statement of Travel Expenses and attendance at the convention or conference by the requesting party does not violate the specifications set forth within this policy.
3. Employees will not be reimbursed for entertainment, snacks, drugs or alcoholic beverages. An exception is made in the case of small items or meals purchased for a child while in protective custody of the County. This exception must be documented by reference and approved by the Social Services Director. An exception is made in the case of Economic Development or Tourism when entertaining potential clients or current clients. The purpose of the entertainment must be noted on the receipt. This exception must be approved by the County Manager for Economic Development and must be approved by the County Manager or Chairman for the TDA for Tourism.
4. **Tips**: Reasonable baggage handling tips ($1 - $5 per bag dependent on the area traveled) may be claimed for porters at terminals and hotels as "Other Expenses".

5. Reimbursement Procedures

A. **Submitting Expense Reports.**

1. A requesting party will complete a Travel Reimbursement Request and Expense Report (TRR&ER) if needed, attach original receipts for expenses requiring them, and submit it to the Finance Department complete with all required signatures and receipts no later than two (2) working days after returning from travel if the employee owes the county a refund of advance travel money. Advances will be deducted from reimbursable costs. If advance travel funds are issued and a travel reimbursement request and expense report is not submitted within 10 (ten) days, a garnishment for the full advance travel amount will be submitted to payroll.

2. A requesting party will complete a Travel Reimbursement Request and Expense Report, if no advance travel funds are requested, at least monthly, but not later than the end of the fiscal year that the expense was incurred in.
3. A requesting party will complete a Travel Report Form in its entirety.
4. An officer or employee traveling on official business is expected to exercise the same care in incurring expenses that he or she would exercise if traveling on personal business and using personal funds. Officers and employees will be held personally responsible for all unauthorized costs and additional expenses incurred for personal preference or convenience.
5. Under no circumstances will reimbursement exceed actual expenses involved or duplicate any portions of expenses paid from any non-county source.
6. A requesting party submitting a falsified Travel Reimbursement Request and Expense Report (TRR&ER) will be subject to disciplinary action and criminal prosecution.

B. **Approval and Processing of Reimbursement Requests.**

1. The Travel Reimbursement Request and Expense Report (TRR&ER) will be fully completed, signed and submitted to the authorizing party for approval. After approval by the authorizing party, the original form(s) with its supporting documentation should be forwarded to the County Finance Department.
2. The Finance Department will determine that the Travel Reimbursement Request and Expense Report (TRR&ER) and/or Travel Report Form have been properly approved, that the information provided is mathematically correct, that requested reimbursements are consistent with submitted receipts and are within the limits set by this policy. If an error in the reimbursement request is found, the requesting party will be informed and the error will be corrected before payment is made.

Home-to-work travel: As a general rule, home-to-work travel is not reimbursable.

. **Prospective Employees**: The County Manager is authorized to approve reimbursement of travel expenses of individuals visiting for employment interviews. The expenses should be limited to transportation and subsistence. No travel advances will be issued to prospective employees.

Registration Fees: The County allows reasonable registration fees for county officials. Approved fees may be paid by the unit in advance, or directly by the employee and then reimbursed, or in some circumstances through a travel advance. No authorization will be granted unless full justification and documentation are provided. Copies of brochures, fee schedules, or other material listing the costs included in the registration fees should accompany requests. The county will pay the basic registration fee and fees for associated professional activities. Any additional activities that the employee cares to attend are the employee's responsibility.

Exceptions: Exception to these policies must be discussed with and approved by the County Manager prior to incurring any excess expenses.

Mileage Report: Officials and employees who use a personal vehicle on a regular basis for trips in and around the county should complete a mileage report that notes name, department, travel dates, destination(s) odometer readings, and total number of miles. Total miles for the reporting period (usually a month) are then noted on the "Claim for Expenses: Official Travel Form". For additional information on mileage reimbursement, please see the mileage reimbursement policy.

Mileage Reports and the Claim for Expenses will be submitted to the Finance Office on a monthly basis for reimbursement.

Mileage Reimbursement - The reimbursement to the employee for the operation of his/her car on county business includes the allowance for the expense of automobile insurance through the current IRS mileage reimbursement rate.

For non-routine trips, the employee must document: the date of travel; the beginning location, the ending location, the beginning mileage, the ending mileage, the purpose of the trip, total mileage, and the amount of reimbursement requested.

For routine trips, the employee must use the reimbursement mileage as established by the department head. The employee must document: the date of travel, the number of times traveled on that date, the purpose of the trip, total mileage, and the amount of reimbursement requested. Department heads are required to submit established routes and mileage to Finance and are required to review and update these routes and mileage annually.

The department head or an authorized designee must confirm that the trip was for county business by initialing and coding the reimbursement request. The department head/authorized designee/or management may determine maximum mileage amount to be reimbursed for any trip by use of a map service such as map quest and may determine that the shortest route available from the service used is the maximum mileage payable for the trip. No matter how the mileage is confirmed, the miles reported must be reasonable and when confirming a mileage request through a map service the mileage approved can be no more than 5% different than the shortest route obtained through the map service used. If any trip requires more than a 5% difference in the shortest route through an available map service, it is required that the department head approve the request and document in writing on the request the reason the mileage approved is more than 5% above the shortest route available per the map service used.

Please refer to Article III Transportation & Travel, Section 2. Compensating Employees for Travel Time to help you determine which trips or portion thereof would be eligible for mileage reimbursement while conducting county business.

Reimbursement for Training Expenses

When an employee or official enters into an approved job-related training program, such as those sponsored by the Institute of Government, Duplin County will pay for such expenses as tuition and books. The employee or official will not be expected to pay for these expenses out-of-pocket. In addition, the employee or official will be covered by all rules and regulations as outlined in this policy.

Status of Employees or Official While Traveling

Participation in official out-of-town business meetings, authorized training courses, and authorized professional conferences, is “time worked” for the purpose of computing wages for all employees. Travel away from normal work station is work time when it cuts across an employee’s normal workday. The employee is simply substituting travel for other duties. The time is not only hours worked during normal workdays, but also during the corresponding hours of nonworking days. Thus, if an employee regularly works from 8 a.m. to 5p.m. from Monday through Friday, but is traveling on official duties on Saturday and Sunday, the travel time during those hours is work time on Saturday and Sunday as well. Regular meal period time is not counted as work time.

The Department of Labor (DOL) does not consider work time the time spent in travel away from home outside of regular working hours as a *passenger* on an airplane, train, boat, bus or automobile. However, if the employee is driving, the time would be hours worked. (*Special Note*: Duplin County has determined that it would be more beneficial to compensate employees that ride together to conferences or training than if they were to drive separately. Therefore, in this situation, whether the employee is the driver or passenger in the car, all employees riding together to attend a conference or training, the travel would be compensable no matter what the work hours.

ARTICLE IV – HOUSEKEEPING ITEMS

Section 1. Smoking and Tobacco Use

Duplin County Government has a strong commitment to establish policies and programs that promote employee health and provide a work environment that is safe and free of health hazards to smokers as well as non-smokers, who are subject to second hand smoke.

In accordance with North Carolina General Statute 130A-498, smoking and the use of other tobacco products such as chewing tobacco, etc. by employees is prohibited in County buildings, on County property at the Health Department and within County vehicles. Smoking is permitted only in designated areas and only during breaks. Individuals who smoke outdoors are responsible for using outdoor ashtrays or other appropriate receptacles to discard their refuse and should not litter the grounds.

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The use of e-cigarettes is also prohibited under this policy where smoking and the use of tobacco products are prohibited. E-cigarettes means any electronic oral device, such as one composed of a heating elements, battery, and/or electronic circuit, which provides a vapor or nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

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

Section 2. Social Networking

The County recognizes that employees may choose to express themselves by posting personal information on the Internet through social networking sites, personal websites, blogs, or chat rooms, by uploading content, or by making comments at other websites or blogs. The County respects the rights and interests of employees in engaging in these forms of personal expression on their own time, should they choose to do so. Employees are expected to follow the guidelines and policies set forth to provide a clear line between the employee as an individual and as a Duplin County employee.

The County respects the right of employees to use blogs and social media sites as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes. Blogging or other forms of social media or technology include, but are not limited, to video or wiki postings, sites such as Facebook and Twitter, chat rooms, YouTube, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with Duplin County.

A. **Guidelines.** Employees may not use County resources to conduct personal blogging or social networking activities. Employees are prohibited from using a County email address in connection with any social networking or blog sites. Employees are prohibited from any such activities while on County time while using either County or personal resources (including laptops, cell phones, and other electronic devices). Employees cannot use blogs or social networking sites to harass, threaten, discriminate or disparage against employees or anyone associated with or doing business with Duplin County. Employees are legally responsible for content they post to the Internet, in a blog or otherwise. Employees can be held personally liable for defaming others and/or revealing confidential information, among other things.

   If employees identify themselves as a Duplin County employee, some readers may view the employee as a spokesperson for Duplin County. Because of this possibility, employees should state that views expressed in their blog or social networking area are their own and not those of Duplin County, nor of any person or organization affiliated or doing business with Duplin County.

   Employees cannot post on personal blogs or other sites the logo of Duplin County or any business with a connection to Duplin County. Employees cannot post privileged information, including County-issued documents. Employees cannot post on personal blogs or social networking sites photographs of other employees, clients/customers/citizens, vendors, or suppliers, nor can employees post photographs of persons engaged in business with Duplin County or at Duplin County events without express permission from those individuals and the County Manager.

   Employees cannot link from a personal blog or social networking site to Duplin County's internal or external web sites. Employees should be aware that personal postings may be read by not only friends and family, but possibly by co-workers, bosses, County residents, and the media. Even if posted anonymously or under a pseudonym, identities can be discovered relatively easily. Employees should be careful when deciding what to include in a post or comment. The County may require immediate removal of, and impose discipline for, material that is disruptive to the workplace or impairs the mission of the County unless such postings are protected by local, state or federal laws.

B. **Employer Monitoring.** Employees are cautioned that they should have no expectation of privacy while using County technology resources and postings can be reviewed by anyone, including Duplin County. The County reserves the right to monitor comments or discussions about Duplin County and its employees, posted by anyone, including employees and non-employees, on the Internet. Duplin County may use blog-search tools and software to monitor forums such as blogs and other types of personal journals, diaries and personal and business discussion forums.

C. **Reporting Violations.** Employees shall report any violations or possible or perceived violations of this policy to their supervisor, Department Head or Human Resources. Violations include discussions of Duplin County and its employees and vendors, any discussion of proprietary information and any unlawful activity related to blogging.

D. **Discipline for Violations.** Duplin County investigates and responds to all reports of violations of the rules and guidelines set forth in this policy and other related policies. Violation of this policy may result in disciplinary action up to and including termination. Duplin County reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

Section 3. Information Technology Use

This policy covers the use of all technology resources belonging to Duplin County, whether individually controlled or shared, stand-alone or networked. It includes, but is not limited to pagers, radios, all computer systems of any size and function and their attached peripherals, telephones, cellular phones, copiers, scanners, fax machines, voice mail systems, e-mail systems, network resources and Internet resources. All technology resources owned by Duplin County are in place to enable the County to provide its services in a timely and efficient manner. This is the primary function of these resources and any activity or action that interferes with this purpose is prohibited. Ethical and legal standards that apply to information technology resources derive directly from standards of common sense and common courtesy that apply to the use of any shared resource. Because technology systems are constantly evolving, Duplin County requires its employees to use a common sense approach to the rules set forth below, complying not only with the letter, but also the spirit, of this policy.

Information Access and Ownership

All technology resources and all information transmitted by, received from, or stored on Duplin County systems are the property of Duplin County and are subject to inspection by County officials. Employees do not have an expectation or right to privacy with respect to any electronic correspondence, files, documents, images, created, stored, displayed, received or sent on the County's technology systems. The County reserves the right to review, monitor, and inspect use of its technology resources without advance notice. If Duplin County determines that an employee has used technology resources in a manner that violates this policy or other County policies, the County will take appropriate disciplinary action up to and including dismissal.

Personal Use

Personal use of a County-owned technology resource by County employees is allowed with the following restrictions:

1. Employees should be aware that personal use of a County-owned technology resource is subject to all of the rules in this policy including inspection and monitoring.
2. There must be no cost to the County.
3. Use must be conducted on an employee's own time and at the discretion of the employee's supervisor. However, personal telephone calls on non-cellular phones or personal use of e-mail on an occasional basis may be permitted providing that they do not interfere with a County employee's obligation to carry out County duties in a timely and effective manner.
4. Use must not interfere with other employees performing their jobs or undermine the use of County resources for official purposes.
5. Use of the County's technology resources for operating a personal business of any kind is prohibited.
6. Some technology resources such as cellular phones are billed from the first minute of use (both local and long distance). Charges for personal use are to be reimbursed to the County in accordance with the County Cellular Phone Policy.

7. Individuals who are not employees of Duplin County (including an employee's family or friends) are not allowed to use the County's technology resources other than public access stations.
8. Personal use of County resources by an employee neither expresses nor implies sponsorship or endorsement by Duplin County.

Security

Each employee is responsible for all actions taken while using his/her user profile, password, or access code. Therefore, these should be kept confidential and only shared when authorized by supervisory personnel to meet the needs of a department. This should be the exception and not the rule.

Examples: A computer shared by more than one employee or the ITS department that needs to share administrative passwords to perform their job.

You should be cautious when you receive an e-mail message you were not expecting containing an attachment. Employees can assist the County in preventing viruses from infecting the County's network by not opening any questionable communication from an unknown sender or any attachment with a questionable title or extension.

Employees are not authorized to install or download any software without the express approval of the Duplin County Information Technology Services Department. This policy includes but is not limited to shareware, freeware, personal software or Internet distributed programs. Applicable software copyright laws must be followed.

Appropriate Use

When employees use Duplin County technology resources, they are representing the County and are obligated to use good judgment in how they conduct and express themselves. Employees are expected to use the County's technology resources in a responsible and professional manner. They must not use these resources in an illegal, malicious, inappropriate or obscene manner. Each workstation with Internet access will be configured to allow the screening and review of sites visited on the Internet.

E-mail

E-mail and calendar functions are provided to expedite and improve communications among network users. When sending or forwarding e-mail, either internally or externally, all employees must clearly and accurately identify themselves. Anonymous or pseudonymous posting is expressly forbidden. Sending unsolicited junk e-mail or chain letters ("spam") to any user is prohibited. Employees are prohibited from soliciting or selling merchandise or advertising services through county e-mail. Intentionally sending any material that contains viruses, Trojan horses, worms or any other harmful program is prohibited. Electronic mail is a public record when sent or received in normal business process according to North Carolina General Statutes.

Internet Access

Internet access is provided to network users to assist them in performing the duties and responsibilities associated with their positions. Using the Internet to access non-County provided web e-mail services is allowed during breaks and/or lunch. Using the Internet to receive broadcast of non-business audio or video is prohibited. Instant messaging or internet chat is prohibited except if it is authorized by the Department Head.

Web pages

It is the desire of the County to maintain a consistent and quality presence on the Internet. Information published on the Internet should be written in a clear and concise manner and presented in a graphically appealing format. Once information is published, it is the ongoing responsibility of the corresponding department to ensure the timeliness and accuracy of the content of its Web pages. Links to other websites will be at the discretion of Duplin County.

Section 4. Confidentiality

Duplin County citizens, customers, clients, employees and other parties entrust Duplin County with important information. It is Duplin County's policy that all information considered confidential will not be disclosed to external parties or to employees without a "need to know." If there is a question of whether certain information is considered confidential, the employee should first check with his/her immediate supervisor. This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications.

Section 5. Cost Saving Suggestions

The County Manager may grant vacation leave in varying increments to regular and permanent county employees who identify policies or procedures that, once implemented, will result in significant cost savings to county government. Depending on the amount of the cost savings, which must be quantifiable, employees may be granted vacation leave by the County Manager in two (2) hour increments up to eight (8) hours. Leave will be granted at the discretion of the County Manager following a full or trial implementation of the new policy or procedure, which, upon completion, demonstrates a significant savings to the county. Leave awards will be added to an employee's existing accumulated vacation leave hours.

Department Heads will determine the trial and implementation period and will be responsible for nominating the employee for an award following the successful trial period. The policy or procedure must not currently be in practice. The nomination, which can be submitted in the form of a memorandum to the County Manager, should include details on the new policy or procedure, along with information on the implementation period and the resulting cost savings. The County Manager will notify the Department Head and Human Resources when the suggestion results in a leave award for the employee.

ARTICLE V – CLASSIFICATION PLAN

Section 1. Adoption of Classification Plan

The County Board of Commissioners is responsible for adopting a classification plan that assigns all County positions to a series of job classes based on the results of a job evaluation system and upon the recommendation of the County Manager. The classification plan shall include all classes of positions in the County. For each position there shall be a written position or class description which will include the following:

A. A position summary which explains the general definition of work;
B. The qualification requirements including essential functions and responsibilities;
C. Position requirements such as the knowledge, skills, and abilities necessary for the performance of the work;
D. A statement of the education, experience and training required, and desired (if different) for recruitment;
E. Physical requirements and working conditions in compliance with the Americans with Disabilities Act; and
F. Special requirements such as licensures, certifications, or registrations.

Section 2. Allocation of Positions

The County Manager, in consultation with the appropriate Department Head and the Human Resources Director, shall approve the allocation of each position covered by the position classification plan to its appropriate class. The Departments of Social Services and Health will process classifications through the County Manager within the parameters established by the Office of State Human Resources (OSHR) formerly Office of State Personnel (OSP).

Section 3. Maintenance of the Classification Plan

The Human Resources Director, as directed by the County Manager, is responsible for maintaining the classification plan to ensure that it accurately reflects the duties performed by employees in the job classes to which their positions are assigned. Department Heads are responsible for providing the Human Resources Director with documentation of substantive changes in the nature of duties, responsibilities, working conditions or other factors that could affect the classification of any existing position under their supervision.

When the Human Resources Director determines through job audit and/or job evaluation that substantial change has occurred in the nature or level of duties and responsibilities of an existing position, a recommendation is prepared for the County Manager to revise or reassign the existing position to the appropriate job class within the existing classification plan, to amend the classification plan by establishing a new job class to which the position may be assigned, or to take other action as needed.

Human Resources will maintain all official class descriptions for all County positions and position descriptions for all positions with the exception of positions subject to the State Personnel Act. Positions subject to the State Personnel Act are classified by the Office of State Human Resources (OSHR) formerly Office of State Personnel (OSP) or a delegated authority as authorized by the Office of State Human Resources (OSHR) formerly Office of State Personnel (OSP) and the official class descriptions are maintained by the respective departments. Copies of class descriptions classified by the Office of State Human Resources (OSHR) formerly Office of State Personnel

(OSP) should be forwarded to Human Resources. Human Resources will maintain a record of all budgeted and authorized positions.

Section 4. Classification of New Positions

The Human Resources Director, as directed by the County Manager, is responsible for reviewing and making recommendations to assign a new position to an existing job class or to a newly created job class. The recommendation must consider documentation furnished by the Department Head outlining the duties, responsibilities, typical tasks, and qualifications proposed for the position and the results of a job audit and job evaluation to be conducted by the Human Resources Director or a designee. In cases of employees under the State Personnel Act, the County will coordinate with the State Personnel Director or their representative to ensure proper classification.

Section 5. Amendment of the Classification Plan

Generally, the request for new positions and reclassifications will be reviewed annually to be accepted or denied and included in the annual budget.

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

Section 6. Administration

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

ARTICLE V – COMPENSATION PLAN

Section 1. Coverage of the Compensation Plan

Employees shall be compensated in accordance with the compensation plan established by the County and adopted by the County Board of Commissioners for administration by the County Manager's office. The County shall develop and maintain a compensation plan based on equitable compensation relationships for all position classifications in accordance with state and federal laws. The compensation plan shall include all position classifications in the County.

Section 2. Compensation Plan

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

A. Formal job evaluation system
B. Competitive compensation structure with salary increases based on cost of living and performance factors
C. Formal employee performance evaluations

The compensation plan will consist of salary grades with an established minimum, midpoint, and maximum rate. Position classifications will be placed in a salary grade based on the formal job evaluation ranking of the position classification and upon market considerations. Performance evaluation may be a component of the County's compensation program as well as the basis for employee development. Employees may receive merit increases within their assigned salary grade based on the results of individual employee performance evaluation score when funding is available. The compensation plan will be reviewed and evaluated on an annual basis. Overall compensation (pay and benefits) may be limited by budgetary constraints and be structured accordingly.

Section 3. Maintenance of the Compensation Plan

The Human Resources Director, as directed by the County Manager, is responsible for the administration and maintenance of the compensation plan. The compensation plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, the rates of pay for comparable positions in private and public employment in the area, changes in the cost of living, the financial conditions of the County, and other factors.

The Human Resources Director is authorized to make comparative studies of all factors affecting the compensation plan. When the Human Resources Director determines through periodic market analysis and/or salary surveys that a reasonable change has occurred in the pay level of an existing position, a recommendation may be prepared for the County Manager to present to the Board of Commissioners to revise or reassign the respective position to the appropriate pay range within the existing pay range table, or to take other action as needed.

The Human Resources Director, as directed by the County Manager, shall review the compensation plan and evaluate any amendments necessary to maintain a current compensation plan each year as part of the annual budget process. The County Manager shall make recommendations to the Board of Commissioners based upon a study of local economic conditions, the financial state of the County, and market/merit conditions of position classifications as requested.

Section 4. Transition to a New Pay Plan

The following three (3) principles shall govern the transition to a new compensation plan:

A. No employee shall receive a pay reduction as a result of the transition to a new compensation plan.

B. Employees being paid at a rate lower than the minimum wage rate for their position classification in the new compensation plan shall receive an increase to the minimum of the new pay grade.
C. Employees being paid at a rate above the maximum rate established for their position classification shall have their wage frozen at that level until such time as the maximum rate for their position equals the employee's wage.

Section 5. Payment at Minimum Wage Rate

All employees covered by the compensation plan shall be paid at least the minimum wage rate within the pay range established for their respective job classification except employees in a "trainee' or "work-against" status.

Section 6. Rate of Pay upon Hire

Employees shall be hired at the minimum rate of the salary grade assigned to their position classification. Appointments above the minimum rate of the salary grade may be made subject to the approval of the County Manager, when deemed necessary to serve the best interests of the County, based on such factors as qualifications or prior experience of the applicant, a shortage of qualified applicants available at the minimum rate, or the refusal of qualified applicants to accept employment at the minimum rate. The salary may not exceed the range of the salary grade.

Section 7. Salary of Trainee

An applicant hired or an employee promoted to a position in a higher class, who does not meet all the established requirements of the position, may be appointed at a rate in the compensation plan below the minimum pay grade established for the position. In such cases, a plan for training, including a time schedule, will be prepared, and submitted to Human Resources for retention in the employee's official personnel file.

Trainee salaries may be one (1) step below the minimum salary established for the position for which the person is being trained. The training salary will remain in effect until the Department Head determines that the trainee is qualified to assume the full responsibilities of the position. The Department Head will develop a training plan for each trainee and will review the trainee's progress monthly, or more frequently as necessary, to determine when the trainee is qualified to assume the full responsibilities of the position. In no event will an employee remain in a trainee status for longer than one (1) year, unless preempted by the specific approved job specification. Approved leave without pay shall not count as time worked toward meeting the minimum requirements for the position. All reviews will be forwarded to Human Resources for retention in the employee's official personnel file.

Employees subject to the State Personnel Act may be appointed to a position in any class for which the Office of State Human Resources (OSHR) formerly Office of State Personnel (OSP) job specification includes special provisions for a trainee progression leading to a regular appointment. An individual may not be appointed as a trainee if they possess the acceptable training and experience for the regular class. The trainee must be appointed to the regular class when they gain the acceptable amount of experience. A trainee must be paid below the minimum rate of the salary range that they are working towards in accordance with the guidelines provided by the Office of State Human Resources (OSHR) formerly Office of State Personnel (OSP).

Section 8. Work-against Appointments

When fully qualified applicants are unavailable and there is no trainee progression for the classification of the vacancy, the appointing authority can appoint an employee in a work-against status. Salary will be commensurate with qualifications and may be at least $1 below the minimum of the pay grade for the regular classification of the position. A work-against appointment is for the purpose of allowing an employee to gain the qualifications needed to be full class through on-the-job experience. The appointee must meet the minimum education and experience standard of the class to which initially appointed. Work-against appointments shall not be made when qualified

applicants are available who meet the education and experience requirements for the full class for the position. Procedures used to determine the qualifications of applicants may include, but are not limited to, an evaluation of the employment application and other submitted materials; structured interviews; reference checks; driver's license checks; academic verifications; and criminal background and credit checks.

Section 9. Pay for Performance

The Human Resources Director, as directed by the County Manager, is responsible for the administration and maintenance of a pay for performance plan when funding allows. A standardized performance evaluation system is encouraged but it is recognized that those employees evaluated by a governing board may be evaluated using a different form. All employees except elected officials shall receive an annual evaluation on a date to be determined by the County Manager or the governing board conducting the evaluation. The Board of County Commissioners will review the pay for performance adjustment amount annually and consider recommendations from the County Manager to adjust the pay for performance plan as needed to reward County employees who are performing at levels that qualify for a pay for performance increase. This review will take into consideration the financial conditions of the County. All employees may not receive a pay for performance increase or the same total dollar amount of increase.

In order to be eligible to receive a pay for performance increase, each eligible employee must first receive an employee performance evaluation to be conducted by their supervisor, Department Head or governing board, where applicable. All employees, except seasonal employees, temporary employees and elected officials, will be eligible for pay for performance appraisals. Employees that receive a marginal or unacceptable performance appraisal will not receive any pay for performance increase for that review period and must successfully complete a Performance Improvement Plan (PIP). Successful completion of a Performance Improvement Plan will not result in the employee receiving a pay for performance adjustment for the evaluation period.

Section 10. Annual Pay Rate Adjustments

The County Board of Commissioners will review the pay plan annually and consider recommendations from the County Manager to adjust the pay plan or pay ranges within the pay plan as needed to reflect changes in the cost of living, to maintain pay rates for County positions at a level comparable with rates paid by other public and private employers, and to take into account the financial conditions of the County. The County will use the data published by the U.S. Department of Labor, Bureau of Labor Statistics for guidance on the consumer price index percentage of change for the previous calendar year.

It shall be the policy of the County to annually address the compensation of its elected officials (Sheriff, Register of Deeds, and County Commissioners), County Manager and County Attorney by adjusting the base salary of each position by the combination of the amount of the annual Cost of Living adjustment budgeted annually by the County Commissioners for all other County employees and the established annual target pay for performance adjustment, when applicable and all remaining County employees as authorized by the County Commissioners in its annual budget approval process. The intent of this action is to assure the compensation for all the County's elected and appointed officials as well as other employees, remains consistent with those of other government jurisdictions of comparable size and structure.

Section 11. Salary Adjustments

The County Manager shall be responsible for approving and implementing all salary adjustments. Employees shall be advised of all salary adjustments by the County Manager, their Department Head or their Supervisor.

Salary adjustments approved after the first day of the pay period shall become effective at the beginning of the next pay period.

A. Salary adjustments may occur as a result of the following:

1. **Merit-based Increase**: A merit increase is awarded in conjunction with the County's pay for performance system. Merit-based increases are effective on the date determined by the County Manager and approved by the County Board of Commissioners. Merit increases are based on an individual employees' performance evaluation rating.
2. **Promotion**: An employee who is promoted to a position classification with a higher salary grade may receive up to a 2 1/2 step pay increase in base pay or an increase to the minimum rate of the new pay range, whichever is higher, as long as the increase is consistent with the compensation plan, and the new pay rate does not exceed the maximum pay rate established for the pay range. Pay increases that exceed the minimum of the new pay range, or ten (10) percent, whichever is higher, but do not exceed the maximum pay rate established for the new pay range, can be approved by the County Manager if written documentation is provided to justify the increase by the Department Head.
3. **Demotion**: An employee may receive a decrease in salary, usually 1 step, due to a demotion to a lower salary grade as determined by the Department Head subject to review and approval by the County Manager. The new salary must fall within the range of the new position classification. Employees subject to the State Personnel Act will adhere to The Office of State Human Resources (OSHR) formerly Office of State Personnel (OSP) guidelines for demotion.
4. **Negotiated Increase**: Other salary increases may be granted upon the recommendation of the County Manager and approval by the Board of Commissioners. In very unusual circumstances in which an employee does very exceptional work or when the employee's position is known to be one that is hard to fill or the market rate exceeds the current rate of pay, the County Manager may increase the annual salary of an employee. The salary increase may not exceed the maximum of the salary range and must be within the current budget.
5. **Voluntary Reassignment**: An employee voluntarily transferring from a position in one class to a position in another class assigned to the same pay grade will continue to receive the same salary. When an employee is temporarily transferred from a position in one class to a position assigned to a higher class, the employee may be paid at a higher rate as long as the temporary transfer is in effect. The rate of pay for an employee who requests a voluntary demotion to a job class assigned to a lower pay range will be set at the equivalent rate in the new pay range among other employees within the division/department provided that does not exceed the rate at which the employee was paid in the position from which the employee was voluntarily reassigned. Experience, certifications, seniority, State Personnel guidance (if applicable) as well as other comparable knowledge, skills and abilities (KSA's) will be compared with other employees within the department when determining the salary. For example, if the employee was paid at 110% of the minimum of the previous pay range, the new pay rate will be 110% of the minimum of the new pay range. If an employee requests a voluntary reassignment to the same vacant position as held previously within six (6) months of a transfer or promotion, it is at the discretion of the Department Head and approval of the

County Manager that the individual may resume their previous position at the same rate of pay as held previously in that position.

6. **Reclassification**: When a position is reclassified to a higher class/grade, the County Manager has the discretion to adjust the salary upward to 2 ½ steps provided that the adjusted salary does not exceed the maximum of the new salary range, or to leave the salary unchanged except when the salary is below the minimum of the new grade in which case the salary shall be brought up to the minimum of the new salary grade. If the position is reclassified to a lower pay grade and the employee is receiving a salary above the maximum rate established for the new class, the employee's pay will be reduced to the maximum rate established for the new class and maintained at that level until such time as the pay range to which the employee's job class is assigned increases.
7. **Trainee/Work-against to Full Class**: When an employee in a trainee/work-against status meets the minimum requirements for the position (full class), the salary shall be adjusted upward to the minimum of the position classification's salary range, unless otherwise negotiated at the time of hire.
8. **Transfer**: The County Manager may adjust the salary of an employee transferred to a new position within the range as recommended by the Department Head.
9. **Cost-of-living Increase**: The Board of Commissioners may grant all regular and permanent employees and/or others a cost-of-living adjustment each fiscal year based on the recommendation of the County Manager based on funds availability.
10. **Interim Appointments:** Employees serving in an interim or acting capacity may receive up to 2 ½ steps pay increase in base pay or an increase to the minimum rate of the new pay range, whichever is higher, as long as the increase is consistent with the pay plan, and the new pay rate does not exceed the maximum pay rate established for the pay range. Any increase received by an employee for functioning in an interim or acting capacity will be reviewed at six (6) months and cease when a permanent replacement is hired or the employee no longer functions in that capacity.
11. **Furlough:** In cases where there are insufficient funds to meet payroll, the County Manager has the authority to place employees in a leave without pay status.

Any deviation from the pay practices detailed in this section must be requested in writing by the respective Department Head and approved by the Human Resources Director and County Manager.

B. Merit and/or pay increases as a result of pay grade reclassifications/promotion will be made on a percentage basis, as applicable and as approved by the Board of County Commissioners and recommended by the County Manager.
   1. The total amount budgeted for pay increases as a result of pay grade reclassification, promotion, merit or cost-of-living is based on market studies and is a percent target, exclusive of approved service options.
   2. Employees who have served the County in a regular position for twelve (12) months or greater shall be eligible to receive not more than a 2 1/2 step increase in salary as a result of pay grade reclassification/promotion or be paid at the minimum of the new pay grade, whichever is greater with the recommendation of the Department Head and approval of the County Manager.
   3. Employees who have served the County in a regular position for less than twelve (12) months shall be eligible to receive not more than a 1 1/2 step increase in salary as a result of pay grade reclassification/promotion or be paid at the minimum of the new pay grade, whichever is greater with the recommendation of the Department Head and approval of the County Manager.
   4. The maximum combined merit increase and increase as a result of pay grade reclassification/promotion which any individual employee can receive is 3 steps or to the minimum of the new pay grade, whichever is greater.

5. Regular or permanent employees who have worked for the County for at least twelve (12) consecutive months shall receive an annual performance evaluation every February.
6. No pay increase shall exceed the maximum of the respective pay grade.
7. All pay increases are subject to the approval of the County Manager and must be within the approved budget of the respective department.
8. In lieu of a merit pay increase the County Manager may recommend a one-time bonus for merit. The Board of Commissioners will approve the bonus plan as part of the Budget Ordinance. The County Manager shall be responsible for developing procedures for implementing the merit bonus plan once the Board of County Commissioners approves the budget. Bonus pay is not considered a part of annual pay for reclassification and pay purposes, nor is it to be recorded in personnel records as part of annual base salary.

Section 12. Part-time and Temporary Employee Compensation

The compensation plan established by this policy is for full-time service. An employee appointed for less than full-time service will be paid using the same compensation plan; however, it will be converted to an hourly rate of pay. The County Manager shall review the compensation of part-time and temporary employees without regular status annually in the budget process, and make recommendations to be considered for approval by the Board of Commissioners.

Section 13. Overtime Pay and Compensatory Time

It is Duplin County's policy to comply with the provisions of the Fair Labor Standards Act (FLSA) and to prohibit improper deductions from pay, whether for lack of work or for any other reason. The Human Resources Director is assigned responsibility to designate each County job class as exempt or non-exempt in accordance with the provisions of the Fair Labor Standards Act (FLSA). All prohibitions of retaliation and discrimination specifically set forth in 29 U.S.C. 215 will be strictly adhered to by all agents of the County. Employees in an exempt job class will not be paid for hours worked over 40 hours in a work week unless for disaster work or upon approval of the county manager after review of the circumstances creating the hours over forty. Non-exempt employees are strictly prohibited from volunteering to work overtime without receiving compensation.

A. **Hours Worked.** Hours worked is the time for which an employee is entitled for compensation under the FLSA. Compensation is required for the time an employee is required to be on duty, on the employer's premises, or at a prescribed workplace, and for the time the employee is suffered or permitted to work, whether or not requested to do so.
    1. Vacation, sick, petty, compensatory time, holiday leave and unpaid meal breaks will not be considered hours worked for FLSA purposes.
    2. Training-related time, either to increase efficiency or as required by the employer, is counted as hours worked. Time relating to training and educational seminars attended voluntarily by the employee that are not related to performance of job duties is not considered hours worked.
    3. Time spent by an employee during the regular workday adjusting a grievance under the County grievance policy is considered hours worked.
    4. All travel time that is required by the County other than the normal commuting time between home and job is considered hours worked.
    5. Paid rest breaks held in accordance with these employee personnel policies are considered hours worked.

    All employees in a non-exempt job class will earn compensatory time at the rate of one and one-half (1 ½) hours for each hour worked over forty (40) in a workweek. Annual leave, holidays, sick, petty leave or any other paid leave time do not count toward "hours worked" for purposes of computing overtime or compensatory time. Exempt employees shall earn hour for hour bonus time for all hours worked in excess of forty (40) hours in a workweek.

Compensatory time may be accumulated to a maximum of 240 hours if approved by the County Manager.

Law enforcement personnel will be scheduled on a fourteen (14) day work period schedule and will earn compensatory time at the rate of one and one-half (1 ½) hours for each hour worked over eighty-six (86) hours in a fourteen (14) day work period. Compensatory time may be accumulated to a maximum of four hundred eighty (480) hours if recommended by the Sheriff and approved by the County Manager.

All overtime and compensatory time must be authorized in advance by the employee's Department Head or a supervisor who has been designated by the Department Head to make such decisions. The County has the right to adjust work schedules to stay within the budget constraints. Accumulated compensatory time shall not be converted to any other form of paid leave, or donated as shared leave.

Employees may request and use compensatory leave time off in the same manner as other leave requests. Compensatory time shall be exhausted before any other type of paid leave can be used. Employees shall be permitted to use such time off within a "reasonable period" if use of the compensatory time off does not "unduly disrupt" the operations of the department. Department Heads will be responsible for administering the compensatory policy by allowing employees to take accrued compensatory time in a timely manner so that compensatory time will not accrue to excessive levels. All compensatory time shall be marked as such on official timesheets, both when it is earned and when it is taken. The employee will be responsible for providing an accurate accounting of compensatory time earned and taken, and the Department Head, or their designee, will sign off on all timesheets with compensatory time entries.

B. **Exempt Employees.** All employees exempt from the FLSA overtime requirements are expected to work whatever hours are necessary in order to meet the performance expectations outlined by their supervisors or the County Manager. No authorization is usually necessary for exempt employees to work in excess of forty (40) hours in a workweek unless the Department Head or County Manager determine the overtime hours are excessive and unnecessary.

Exempt employees are eligible to receive bonus time off for working additional hours over and above forty (40) hours in a workweek at the rate one hour for hour and upon approval by the Department Head or designated appointee. Bonus time off is not an entitlement or a right the exempt employee may demand, but is a privilege granted by the County in recognition for service rendered.

If the exempt employee has not taken bonus time off by the end of the following six (6) pay periods from which it was earned and the Department Head or County Manager has not approved the bonus time to be carried forward, the bonus time earned will no longer be available for leave.

C. **Overtime Payments.** The County Manager or the manager's designee may make authorization for payment of overtime when the maximum compensatory time accumulation has been reached or in emergency situations. Employees or classes of employees may be granted standing authorization for overtime payments by written authorization of the County Manager or the manager's designee.

If an employee has not taken compensatory time off by the end of the following six (6) pay periods from which it was earned, the employee must be compensated for same unless recommended by the Department Head and approved by the HR Director to be carried forward. Department Heads may with the prior approval of the County Manager authorize the payment of all employees for overtime work when it is not feasible to permit

their absence for the purpose of taking compensatory time off. The granting of overtime pay rather than compensatory time off shall among other applicable considerations depend upon the availability of funds in the department budget.

All compensatory time remaining on a non-exempt employee's leave record shall be compensated at the employee's current rate of pay upon separation.

D. **Non-exempt Employees.** All employees governed by the Fair Labor Standards Act (FLSA) shall maintain true, complete and legible time records. All time worked shall be recorded to the nearest one-quarter hour and shall be submitted to the supervisor in a timely fashion. Supervisors shall arrange the work schedule of their employees to accomplish necessary work within an average workday and workweek, except in those cases where excessive hours of work are necessary. Non-exempt employees in all departments may be required to work overtime as requested by their supervisor. Refusal to work overtime may result in disciplinary action. Supervisors will make reasonable efforts to balance the personal needs of their employees when assigning overtime work. Non-exempt employees are strictly prohibited from volunteering to work overtime without receiving compensation.

<u>40 hour non-exempt employees</u>
Employees in a nonexempt job class who work more than 40 hours in a work week will be compensated at an overtime rate of 1 ½ hours for every hour worked. Holiday Pay is 8 hours.

<u>Law Enforcement</u>
Law enforcement work 12 hour shifts and are eligible to receive overtime pay when in excess of 86 hours worked in a 14 day cycle.

<u>Emergency Services</u>
E-911 Telecommunicators typically work 12 hour rotating shifts.

Other Emergency Services employees (EMTs and Paramedics) work 24 hour shifts with 24 hours on and 72 hours off or a "fluctuating workweek." The County guarantees 40 hours per week in a week that an employee is scheduled to work less than 40 hours. Normally, this is the week that the employee is scheduled to work a 24 hour shift. The 40 hour guarantee, for the 24 hour week means the county will add no more than 16 hours to an employees worked hours, plus leave hours, to reach the 40 hour guarantee. The 16 hours includes holiday hours.

The 40 hour guarantee begins for new employees after he/she works their first full 24 hour shift. If a new employee is scheduled to work and does not work that shift, he/she is not guaranteed 40 hours until a full 24 hour shift is worked.

In a scheduled 24 hour pay week, if the employee does not work the complete or any of the 24 hour scheduled shift, then vacation, sick or petty (if available and approved) can be used to complete the 24 hour shift requirement. If leave is not available to make up their complete 24 hour shift, then the employee will be paid the maximum match hours – 16 (holiday hours are part of the 16 hours) plus worked hours, plus available leave hours.

In a scheduled 48 hour pay week, if the employee does not work the complete or any of the 40 hours, leave can be taken to total 40 (if leave is available and approved). Holiday hours, if available to the employee, will be part of the 40 hours.

Holiday pay will be for 12 hours per approved day.

Any actual work hours over 40 will be paid overtime at "sliding" pay rate. Overtime rate is paid only for actual work time, not any other time such as holiday, sick, vacation or petty.

If the employee is taken off 24/72 shift work, then the employee is treated as a 40 hour work week employee. They will not be guaranteed 40 hours.

Paid holidays or hours on which an employee does not physically work including paid vacation, petty and sick leave, will not be counted as hours worked in computing overtime.

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

Pay Under a State of Emergency. Currently, exempt employees are eligible to record hours over 40 hours a week as comp time hour for hour. The exempt employee may choose to take the time off within 12 weeks (6 pay periods). If the exempt employee is unable to take the time off within 12 weeks, the employee may request additional time to use the comp time or under certain circumstances such as a State of Emergency, the time be paid as approved by the County Manager. Whenever the County is under a State of Emergency declared by the Chairman of the Duplin County Board of Commissioners, the County Manager, at his discretion, is authorized to monetarily compensate exempt employees who work beyond the normal workweek an additional amount over and above the exempt employee's guaranteed minimum salary. Subject hours will be fully documented and certified by the Department Head and approved by the County Manager.

Emergency Operations

Duplin County acknowledges that regular workforce operations may be disrupted in a time of a state of emergency, pandemic or natural disaster. To ensure essential county operations continue, each department is required to develop a human capital plan to assure the provision of essential county services continue during such emergencies when possible. Human capital plans may consist of methods of communicating with and accounting for employees, flexible work arrangements such as telework, working from alternative locations, working alternative schedules or remote access and informing employees of leave and pay options provided for in this policy.

Section 14. Payroll Deductions

Only payroll deductions specifically mandated or authorized by applicable federal and state laws and regulations or approved by the County Board of Commissioners or County Manager may be deducted from employee pay each pay period. Pursuant to N.C. G.S. § 95-25.8, Withholding of Wages, an employer may withhold or divert any portion of an employee's wages when (1) N.C. G.S. § 95-25.8(a) (1), the employer is required to do so by state or federal law. (2) N.C.G.S. § 95-25.8(a) (2), The amount of a proposed deduction is known and agreed upon in advance and the written authorization is (a) signed on or before the pay day in which the deduction will be made, (b) includes the reason for the deduction, and (c) states the actual dollar amount or percentage of wages that are to be withheld. All voluntary deductions must be authorized by the employee.

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

A. Federal Income Tax
B. State Income Tax
C. Social Security/Medicare
D. North Carolina Local Government Employees Retirement System (where applicable)
E. Garnishments*

Payroll deductions and/or garnishments may include non-payment of services provided through the Duplin County Wellness program such as co-pays for medical services or county gym fees in accordance with FLSA regulations.

In the event that the County becomes aware of a deduction which may have been made improperly, the County will fully investigate the situation and reimburse any employees who had improper deductions from their pay and take actions to prevent continued improper deductions.

Section 15. Advance on Wages

There shall be no advance on wages and no paycheck will be released early unless the Finance Department designates a different date than originally scheduled to release all checks because of a holiday.

Section 16. Longevity Pay

In addition to regular wages, a longevity payment will be made annually in recognition of long-term service of regular or permanent full-time or permanent part-time employees who have served at least ten (10) continuous years with Duplin County in a regular or permanent full-time or part-time position. The date of eligibility is determined by the employee's date of hire with Duplin County. Annual longevity pay amounts are calculated based upon the length of continuous Duplin County service and a percentage of the employee's annual rate of base pay on the date of eligibility. Longevity rates are as follows:

Years of Continuous Service	Longevity Pay Rate
10 years but less than 15 years	1.50%
15 years but less than 20 years	2.25%
20 years but less than 25 years	3.25%
25 or more years	4.50%

Employees must be employed by Duplin County on their eligibility date (hire date) to receive longevity pay. The month that the employee reaches ten (10) years of qualifying service is referenced to as the longevity anniversary date. Longevity is paid once a year in a separate check in the month of the employee's longevity anniversary date. If the employee leaves employment with the county prior to their anniversary date, they will not be eligible for longevity pay.

Longevity pay is not considered a part of annual pay for reclassification and pay purposes, nor is it to be recorded in personnel records as a part of the annual base salary. Longevity pay is subject to all the required deductions to which the regular salary is subject. The longevity pay benefit is a form of current compensation that may be changed or eliminated at any time in the sole discretion of the governing board.

Section 17. Salary at Separation

The final check received by the employee will include eligible vacation leave, unused compensatory time for non-exempt employees, and other pay as applicable and will be received within two (2) pay periods following the pay period including the termination effective date.

An employee who separates employment with the County will receive a reduction in final pay if there is a negative balance in leave upon audit of time records or if county property, uniforms or equipment is damaged or has not been returned in accordance with FLSA regulations. The County may also garnish from the last paycheck the expense of training and/or certification expenses if an agreement was executed between the employee and the county and the employee's portion of any unpaid medical services received through the Wellness program in accordance with FLSA regulations.

Section 18. Time Records

Time records must be submitted on a timely basis for each respective pay period. It is the employee's responsibility to provide a true and accurate time record for each pay period and it is the employee's responsibility to turn their completed timesheet into their supervisor for biweekly timesheet processing. Failure to timely submit a timesheet for payment will result in the timesheet being processed with the next biweekly payment. It is the responsibility of the employee's supervisor to verify and approve time records for each pay period. Falsification or misrepresentation of time records may result in disciplinary action, up to and including dismissal.

Section 19. Pay Periods

Employees are paid on a bi-weekly basis every other Friday for the previous pay period. When a payday falls on a holiday, employees shall be paid on the preceding workday. Each employee will receive pay notification at their designated report station or work area every other Friday. Employees that are absent on payday will receive their pay notification upon return to work. Employees that have discrepancies in their pay are to report the discrepancy to their supervisor immediately. The County requires all new employees to receive payment via direct deposit.

Section 20. Safe Harbor

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly for all time worked and that no improper deductions are made, you must record correctly all work time and review your paychecks promptly to identify and to report all errors. You also must not engage in off-the-clock or unrecorded work.

Review Your Pay Stub

We make every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, we will make any correction that is necessary. Mistakes that are determined to be a mistake made by the employee will be corrected through the next pay check. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any question, please use the reporting procedure outlined below.

Non-exempt Employees

If you are eligible for overtime pay or extra pay, you must maintain a record of the total hours you work each day. These hours must be accurately recorded on your time sheet. Each employee must sign his or her time sheet to verify that the reported hours worked is complete and accurate (and that there is no unrecorded or "off-the-clock" work). Your time sheet must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures and meal breaks. Prior to submitting your time sheet to your supervisor each pay period, you should review and sign your completed time sheet for verification and approval. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each workweek.

To Report Violations of This Policy, Communicate Concerns, or Obtain More Information

It is a violation of the County's policy for any employee to falsify a time card/sheet, or to alter another employee's time card/sheet. A Department Head or Supervisor may edit an employee's timesheet to correct for errors such as inaccurate leave usage, but the employee must initial the timesheet to confirm they were notified of the change. If the employee disagrees with the time sheet correction, they may appeal to the Department Head, Human Resources or Finance. It is also a serious violation of County policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time card to under- or over-report hours worked. If any manager or employee instructs you to (1) incorrectly or falsely under- or over-report your hours worked, (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, or (3) conceal any falsification of time records or to violate this policy, DO NOT DO SO. Instead, report it immediately to the Human Resources Department.

You should not work any hours outside of your scheduled work day unless your supervisor has authorized the unscheduled work in advance. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless you are authorized to do so and that time is recorded on your time card. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time card/sheet. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge.

If you have questions about deductions from your pay, please contact Human Resources immediately. If you believe your wages have been subject to any improper deductions or your pay does not accurately reflect all hours worked, you should report your concerns to a supervisor immediately. If a supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply within three business days), you should immediately contact the Human Resources Director or the Finance Director. If you have not received a satisfactory response within five business days after reporting your concern to Human Resources and you are unsure who to contact to correct the problem, please immediately contact the County Manager.

Every report will be fully investigated and corrective action will be taken, up to and including discharge of any employee(s) who violates this policy.

In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable. Any form of retaliation is a violation of this policy and will result in disciplinary action, up to and including discharge.

Section 21. On-Call

Non-exempt employees required to work on-call duty in response to an urgent situation outside of standard hours that can't be deferred to normal hours of operation should receive overtime for all time actually spent in the service of the County in excess of their regular work schedule. A minimum of two (2) hours shall be guaranteed to any non-exempt employee on-call when the employee is required to leave home to conduct duties. If the employee is required to leave home or his or her current location, the recording of time shall begin when the employee leaves and shall conclude when the employee returns home or to original location, provided the employee returns immediately following the on-call report. Telephone calls while on call shall be counted as time worked for the duration of the call.

Employees will either be paid at their hourly rate, subject to availability of funds in the department's budget or receive compensatory time off in lieu of monetary compensation. The County will follow all guidelines of the Fair Labor Standards Act and if time worked on-call causes the employee to earn overtime, the employee will be compensated according to the Overtime Pay – Compensatory Time policy found in Article V – Classification Plan, Section 13 herein.

The Department Head and/or County Manager must approve on-call/emergency duty or overtime work. Employees designated for on-call/emergency, overtime tasks who fail to report to work for that assigned duty, fail to respond to phone calls or efforts to contact them without unnecessary delay or fail to gain approval may be subject to disciplinary action up to and including dismissal.

ARTICLE VI – EMPLOYEE LEAVE BENEFITS

Section 1. Holidays

The following holidays and such others as the Board of County Commissioners may designate shall be observed by the County. The County will typically observe the holiday on the same day as North Carolina Office of State Human Resources (OSHR) formerly Office of State Personnel (OSP) designates. The Board of County Commissioners may adjust the holiday schedule as deemed necessary.

New Year's Day
Martin Luther King, Jr. Birthday
Good Friday
Memorial Day
Independence Day
Labor Day
Veterans Day
Thanksgiving Day and Thanksgiving Friday
Christmas Holiday (3 days)

If employees are assigned to a work schedule other than Monday to Friday, the holiday will be observed the day on which it actually occurs. Employees, who are required to work on a scheduled holiday, will, at the discretion of the Department Head, receive payment for the holiday, or receive an equivalent day off within the following six (6) pay periods from the time it is earned. Under no circumstances will an employee receive payment for a holiday and an equivalent day off. Regular, permanent, probationary and trainee part-time employees that work twenty (20) hours or more per week will receive paid holidays on a pro-rata basis. Temporary, Substitutes and seasonal employees are not eligible for paid holidays.

Eligible full-time employees required to work on an observed holiday where the Department Head opts for the employee to receive payment subject to funds being available rather than an equivalent day off will receive eight (8) hours of holiday pay plus hour-for-hour compensation for all hours worked on the holiday, subject to prior authorization of their supervisor. Eligible part-time employees that work twenty (20) hours or more per week will receive pro-rata holiday pay based on their regular work schedule. In cases where the holiday extends a full-time non-exempt employee beyond the normal forty (40) hour work week, pay will be calculated on the number of hours actually worked, and overtime will be paid or compensatory time will be granted, if the employee actually works over forty (40) hours in a work week. A non-exempt employee who works forty (40) hours in a work-week will be paid forty (40) hours at the regular rate of pay and will receive eight (8) hours of holiday pay at the regular hourly rate. Holidays are always paid at straight time rate and will be excluded from hours worked in calculating overtime.

All full-time employees who are not scheduled to work on the county's designated holiday shall be paid eight (8) hours holiday pay within that pay period. EMS employees who work 24 hour shifts will be entitled to receive twelve (12) hours of holiday time whether the employee worked the shift or not.

Regular holidays that occur during a vacation, sick, petty or other paid leave period will not be charged as vacation, sick, petty or other paid leave. In order to receive holiday pay, an employee must work on the last scheduled work day before and the first scheduled work day after the holiday, unless the employee is on paid vacation leave, paid sick leave, paid petty leave or other paid leave status or is retiring. When an employee is on a leave without pay status and a holiday falls during that period, the employee will not be paid for that holiday(s).

Section 2. Vacation Leave

Vacation leave is a benefit granted by the Board of County Commissioners to eligible employees. Vacation leave is earned by regular, permanent, probationary and trainee full-time and part-time employees that work twenty (20) hours or more per week each pay period based on years of service to the County. Temporary, Substitutes and seasonal employees are not eligible for vacation benefits. Eligible employees begin accruing vacation leave on the employee's hire date, however the employee must be employed six (6) months before the employee is eligible to take paid vacation leave. The following chart provides the rate at which full-time employees earn vacation leave each pay period and annually. Part-time employees that work twenty (20) hours or more per week accrue vacation on a pro-rata basis.

Years of Continuous Service	Hours Earned Each Month	Hours Earned In One Year	Days Earned In One Year
Less than 5 years	6.16	80	10
5 years, but less than 10 years	9.24	120	15
10 years, but less than 15 years	11.08	144	18
15 years through 20 years	12.30	160	20
20 years and over	14.16	184	23
25 years or more	15.4	200	25

An employee retains active employment status during a period of vacation up to and including the date of separation. Vacation leave shall not be advanced to any employee. It shall be the responsibility of Human Resources to maintain a record of vacation leave for each employee, which shall be the responsibility of each supervisor to provide in a timely fashion.

A. **Taking Vacation Leave.** Vacation leave may be taken in units of one hour increments subject to eligibility and the approval of the supervisor. Each department is responsible for scheduling employee vacation leave without undue disruption of department operations. Leave requests shall be submitted as early as possible, or at the direction of the Department Head. Vacation leave requests of an emergency nature must be made by the employee and approved by the supervisor within 30 minutes of the beginning of the workday or shift. Vacation may be used as sick leave when sick leave has been exhausted and must be used in the same manner as accrued sick leave.

   An employee may, with Department Head or County Manager approval, take vacation leave up to and including the date of separation.

B. **Maximum Accumulation and Vacation Leave Transfer.** The maximum accumulation of accrued vacation leave for any eligible employee is two hundred and forty (240) hours. If an employee's biweekly earned vacation leave increases their accumulated leave in excess of the allowed maximum accumulation amount, the employee's excess vacation leave will be converted to sick leave on an hour for hour basis. The converted sick leave must be used in the same manner as accrued sick leave and it cannot be transferred back to vacation.

C. An employee who retires may transfer vacation leave to sick leave prior to the effective date of separation.

D. **Pay out of Accumulated Vacation Leave.** An eligible employee who is separated for reasons other than failure in performance of duties or personal conduct shall be paid for vacation leave accrued to the date of separation not to exceed a maximum of two hundred

and forty (240) hours. Employees that separate as a result of failure in performance of duties or personal conduct forfeit all unpaid accrued vacation leave.

If an employee resigns without giving a proper two (2) week notice unless the Department Head or County Manager approve the employee not working out a 2 week notice or separates from the County prior to completing six (6) months of employment, the employee forfeits all unpaid accrued vacation leave. The estate or designated beneficiary of an eligible employee who deceases while employed by the County shall be entitled to payment for all the unpaid accrued vacation leave, not to exceed a maximum of two hundred and forty (240) hours, at the time of death, provided the deceased employee had been employed with the County for six (6) months. Under this subsection, all accrued vacation leave in excess of two hundred and forty (240) hours is forfeited resulting in a zero balance for any terminated employee or deceased employee.

Section 3. Petty Leave

Petty leave is a benefit granted by the Board of County Commissioners to regular, permanent, probationary and trainee status employees. Employees are eligible to earn petty leave if they are scheduled to work 1,000 hours or more per year.

An eligible employee of the county shall earn .54 hours per pay period or fourteen (14) hours per year petty leave. Eligible part-time employees that work twenty (20) hours or more per week earn petty leave on a pro-rata basis. An employee may take petty leave in increments of fifteen (15) minutes up to a maximum of two (2) hours in one day with the permission of the supervisor. Any time taken above two (2) hours in one day will be charged to vacation leave, sick leave, or leave without pay as may be appropriate. Petty leave will be in addition to any other leave which a county employee may earn and accumulate. Petty leave may be granted for personal matters which cannot be transacted outside of office hours, such as time lost reporting to work, medical appointments, and absences due to adverse weather conditions. No employee will be paid for accumulated petty leave upon termination of employment.

Section 4. Sick Leave

Sick leave is a benefit granted by the Board of County Commissioners to regular, permanent, probationary and trainee status employees. Eligible full-time employees accumulate sick leave at a rate of 3.7 hours per pay period up to a maximum of ninety-six (96) hours per year. Eligible part-time employees that work twenty (20) hours or more per week earn sick leave on a pro-rata basis. Sick leave is cumulative indefinitely. Eligible employees begin accruing sick leave on their hire date. Temporary, substitutes and seasonal employees do not earn sick leave benefits. Payment for all unpaid accrued sick leave is forfeited upon separation of employment with the County. Sick leave shall not be advanced to any employee. Abuse of sick leave is just cause for disciplinary action. Human Resources shall be responsible for maintaining a record of sick leave for each employee. Supervisors are required to provide employee sick leave records in a timely fashion.

A. **Taking Sick Leave.** Employees must submit sick leave requests to their supervisor prior to the use of leave, when possible, or at least thirty (30) minutes prior to the start of a scheduled shift of work if the employee intends to be absent from work. If an emergency prevents the employee from notifying their supervisor within the allowable time, the employee is expected to call as soon as practical during the work shift. The employee is required to speak with the Supervisor unless an emergency (example: employee unconscious) prevents the employee from physically speaking to the Supervisor. Employees are required to keep their supervisor informed of their condition and anticipated return to work.

   Sick leave is to be taken in hour increments. Sick leave will be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical

or dental examination or treatment or exposure to a contagious disease, when continuing work might jeopardize the health of others. Sick leave may be used when an employee must care for a member of the immediate family. Immediate family for the purposes of this policy means; spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, plus the various combinations of half, step, in-law and adopted relationships that can be derived from these named.

If the employee's sick leave qualifies for the Family and Medical Leave Act (FMLA), the supervisor and/or Department Head will need to coordinate with the employee and Human Resources to complete the federally required FMLA paperwork. The sick leave will run concurrent with the employee's 12 weeks of annual FMLA leave.

Employees who have a death in their immediate family may take up to three (3) days of sick leave for any one occurrence. The Department Head must approve an absence in excess of three (3) days. Immediate family for the purposes of this policy means; spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, plus the various combinations of half, step, in-law and adopted relationships that can be derived from these named. All benefits to which an employee is entitled continue to accrue while an employee is out of work on sick leave.

B. **Sick Leave (non-FMLA) - Physician's Certificate.** The employee's supervisor or Department Head may require a physician's certificate/note concerning the nature of the illness and the employee's physical capacity to resume duties for each occasion on which an employee uses sick leave in excess of three (3) days. Any restrictions of duty must be prescribed in detail by the employee's physician and submitted on the treating physician's letterhead. The supervisor or Department Head may also require a physician's certificate for less than three (3) days if they suspect abuse of sick leave privileges. The employee shall have fifteen (15) days to provide a medical certification and if the employee fails to provide the medical certification within the allowable time, the absence will be considered unexcused and the employee may be subject to disciplinary action. Supervisors and Department Heads will submit all physician certificates and other medical data pertaining to an employee to Human Resources for their medical files.

C. **Sick Leave - Retirement Credit for Accumulated Sick Leave.** One (1) month of retirement credit is allowed for each twenty (20) days accrued in an employee's sick leave account at time of retirement to employees who are members of the North Carolina Local Governmental Employees Retirement System. Sick leave shall accumulate with no maximum accumulation, and may be used as credit for service under the North Carolina Local Governmental Employees Retirement System, in accordance with all rules and regulations.

D. **Reinstatement and Transfer of Sick Leave.** Employees hired by the County, whose immediate past employer within the last six (6) months was the State of North Carolina, any of its political subdivisions, any local government entity or authority, or municipality in North Carolina, may transfer to the County any unused sick leave, provided the employee has not requested, or is receiving, retirement benefits from the North Carolina Retirement System. The employee must request this transfer within ninety (90) days of the beginning of employment with Duplin County, and it is the responsibility of the employee to provide bona-fide documentation of the amount of unused sick leave from the immediate past employer and the dates of employment with the other agency. Upon verification of the unused sick leave by Human Resources, the employee will be credited with the transferred sick leave. Transferred sick leave can be used in the same manner as sick leave earned in the scope of employment with Duplin County.

A former employee who is re-employed by the County within one (1) year from the date of separation shall be credited with the balance of sick leave at the time of separation, except

when the employee retired under the North Carolina Retirement System and the sick leave was credited towards service time for the purposes of retirement.

E. **Payout of Accumulated Sick Leave.** All unused sick leave is forfeited upon separation of employment, except when separation is due to retirement, reinstatement or transfer of sick leave.

Section 5. Family and Medical Leave Act (FMLA)

The County is a qualified employer subject to the provisions of the federal Family and Medical Leave Act of 1993 (FMLA). FMLA leave has complex eligibility and benefits provisions so employees should schedule an appointment with Human Resources for detailed information regarding the FMLA. This section is provided for informational purposes only and is not intended to grant any benefits greater than those provided by federal statute. Any conflict between the language contained in this Section and the FMLA will be resolved in favor of the FMLA.

A. **Entitlement to FMLA Leave.** In general, the FMLA provides an eligible employee up to twelve (12) weeks of unpaid leave within any twelve (12) month period for:
   1. Birth, adoption, or foster care placement of a child. An employee must conclude leave for the birth or placement of a child or adoption or foster care within twelve (12) months after the event. FMLA leave may begin prior to birth or placement, as circumstances dictate,
   2. to provide physical or psychological care for a child (includes not only a biological or adopted child, but also a "foster" child, a stepchild, a legal ward, or a child of a person standing in loco parentis), spouse (husband or wife) or parent with a serious health condition (a child, for the purposes of FMLA leave, is either under the age of 18 or is over the age of 18 but incapable of self-care due to a physical or mental disability that substantially limits one or more major life functions),
   3. Day to day care or financial support may establish an in loco parentis relationship where the employee intends to assume the responsibilities of a parent with regard to a child. In all cases, whether an employee stands in loco parentis to a child will depend on the particular facts.
   4. to care for the employee's own serious health condition, or
   5. for qualifying military exigencies arising from the fact the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call to active duty as a member of the Armed Forces including the National Guard or Reserves in support of a contingency operation as defined in Section 101(a)(13) of Title 10, United States Code.

B. **Eligibility.** To be eligible for FMLA, an employee must have worked for the County for 12 (twelve) months or fifty-two (52) weeks. The employee must have worked one thousand two hundred and fifty (1,250) hours or more during the immediate twelve (12) months prior to requesting leave. Vacation, sick, petty, holiday, Workers' Compensation and other forms of leave are not considered hours worked for the purpose of calculating FMLA eligibility.

   The County has designated that eligibility for FMLA leave shall be determined using a calendar year to calculate the twelve (12) months, with the exception of Military Caregiver Leave.

C. **Qualifying for Leave for the Employee's Own Serious Health Condition.** To qualify for medical leave, the employee must have a serious health condition that involves:
   1. Inpatient care in a medical care facility, including any period of incapacity or inability to work or perform other regular daily activities, or subsequent treatment in connection with such inpatient care.
   2. Continuing treatment by a healthcare provider which includes:
      a. A period of incapacity lasting more than three (3) full consecutive calendar days and any treatment relating to this condition that includes treatment two

(2) or more times by a healthcare provider (in-person visits beginning within seven (7) days and concluding within thirty (30) days of the first day of incapacity) or one (1) treatment by a healthcare provider with a continuing regimen of treatment such as prescription medication or physical therapy,

b. Periods of incapacity related to pregnancy or for prenatal care,
c. Periods of incapacity or treatment for a chronic condition which continues over an extended period of time that requires visits at least twice per year to a healthcare provider, (employees should provide documentation related to these visits to Human Resources),
d. Periods of incapacity that are permanent or long-term due to a condition for which treatment is not effective but is under the supervision of a healthcare provider, or
e. Absences to receive multiple treatments for restorative surgery or for a condition that may result in a period of incapacity of more than three (3) days if not treated.

D. **Military Caregiver Leave.** The FMLA provides an eligible employee with up to twenty-six (26) weeks of unpaid leave within a single twelve (12) month period to care for the serious injury or illness of a spouse, child, parent or next of kin who is a member of the Armed Forces, including the National Guard or Reserves. For the purposes of FMLA leave, next of kin is defined as the nearest blood relative to the affect service member. A serious injury or illness is defined as an injury or illness that the service member incurred in the line of duty, while on active duty, that renders them medically unfit to perform the duties of their office, grade, rank or rating. The single twelve (12) month period for Military Caregiver Leave begins on the first day the employee takes leave for this reason and ends twelve (12) months later.

E. **Qualifying Military Exigencies.** Qualifying Military Exigencies include but are not limited to:

1. Issues arising from a covered military member's short notice deployment (seven (7) or less days of notice prior to deployment) for a period of seven (7) days from the date of notification;
2. military events and related activities (before and during deployment including family assistance programs and informational briefings),
3. certain childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative daycare, enrolling or transferring a child in a new school or day care facility, and attending meetings at a school or day care facility,
4. making or updating financial and legal arrangements (such as to prepare and execute powers of attorney, prepare a will, or enroll in military health care) to address a covered military member's absence;
5. attending counseling for the employee, the covered service member, or a child when the need for counseling arises from the active duty or call to active duty status of the covered military member,
6. taking up to five (5) days of leave to spend time with a covered service member who is on short-term rest and recuperation leave during deployment,
7. post-deployment activities (such as attending ceremonies and briefings for a period of ninety (90) days following the termination of the covered service member's active duty status or addressing issues arising from the service member's death), or
8. any other event that the employee and the County agree is a qualifying military exigency.

F. **Intermittent or Reduced Leave.** In case of the employee's own serious health condition or that of a family member, the employee may take leave intermittently or on a reduced

work schedule, if medically necessary. Leave may also be taken intermittently to care for a covered service member with a serious injury or illness, or for a qualifying military exigency arising out of the active duty status or call to active duty of a covered service member. When the leave is for adoption or the birth of a child, the employee may take leave intermittently or on a reduced work schedule only with the joint approval of the employee and the Department Head, subject to approval by the Human Resources Director and County Manager. If the employee requests intermittent or reduced leave status, the County may temporarily transfer the employee to another position of equivalent pay and benefits in order to better accommodate the leave.

G. **Use of Paid Time-Off Benefits.** Employees will be required to use accrued paid leave such as vacation leave, sick leave, petty leave or compensatory time to cover FMLA leave in accordance with the County's policies regarding the use of such benefits. . Use of paid time-off benefits as well as Workers' Compensation loss time will run concurrently with FMLA leave and will not add to or increase the total length of the FMLA leave time. Once the paid leave balances are exhausted, the leave of absence will be leave without pay *(refer to Section 6. Leave Without Pay within this chapter.*).

If the employee has exhausted their paid time-off benefits, the employee's pay will be reduced for all hours of leave taken without pay within a single day. If the employee is an exempt employee, the reduction in pay for partial days will not impact the exempt status under the Fair Labor Standards Act.

H. **Leave Provisions for Spouses Both Working for the County.** If leave is taken for the adoption or birth of a healthy child, or care of a sick parent, the maximum combined leave for both spouses is twelve (12) weeks (or twenty-six (26) weeks if leave is taken for the care of a sick or injured covered service member). If leave is taken to care for an ill child or spouse, each spouse is entitled to twelve (12) total weeks of leave.

I. **Job Restoration.** Most employees granted FMLA leave will be reinstated to the same position held prior to the FMLA leave or one that is equivalent in pay, benefits, and other terms and conditions of employment. The employee's reinstatement rights are the same as they would have been had the employee not been on FMLA leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave. Certain highly compensated salaried employees (key employees) are eligible for leave, but are not guaranteed restoration to their position if they choose to take leave.

If the employee fails to return from FMLA leave at the end of the twelve (12) week period, the employee will be reinstated to his/her same or similar position, only if available, in accordance with applicable laws.

J. **Employee Benefits.** Employee benefits will continue during FMLA leave. Both the County and the employee will continue to pay their customary portions of the monthly premiums. If there are changes in the County's contribution levels while the employee is on leave, those changes will take place as if the employee were actively at work. Human Resources will advise the employee of their respective premium amount and due date. Failure of the employee to pay their share of the premium within thirty (30) days of the due date will result in the suspension of coverage for health care benefits of their dependents and the termination of coverage for any non-health care benefits for the period of non-payment. If the County pays the employee contribution(s) missed by the employee while on leave, the employee will be required to reimburse the County for delinquent payments no later than ninety (90) days after return from leave. If the employee does not return from leave for reasons other than the continuation, recurrence or onset of a serious health condition of the employee or a covered family member; or circumstances beyond the employee's control,

the County may seek reimbursement from the employee for the portion of the premiums paid by the County on behalf of that employee during the period of leave.

If the FMLA leave is unpaid, service and paid leave earnings cease (retirement, holiday, vacation, petty and sick leave accrual, etc.), as do non-health insurance contributions and deductions. Employees on unpaid FMLA leave are not treated as having a break in service for purposes of eligibility to participate in benefit programs and are able to arrange payment of supplemental benefit premiums with Human Resources. All service and paid leave accrual rates and balances in effect at the time of the start of an unpaid FMLA leave will resume upon the completion of the leave. Unpaid FMLA with no payroll contributions to the North Carolina Retirement System is considered a break in service. If the employee is out for their own serious extended illness or qualified for short term disability, the employee may complete a Form 485 to purchase credit for those months out on unpaid FMLA. *See Section 6. Leave Without Pay of this Article for more information.*

K. **Notification.**

1. **Employee Responsibility:** The employee must provide the County thirty (30) days written notice of need for FMLA leave, or if emergency conditions prevent such notice, the employee must notify the County as soon as is practicable. If the employee does not give a thirty (30) day notice of their need for leave, the County has the right to require an explanation of why the notice period was not practicable. If an employee fails to give a thirty (30) day notice for a foreseeable leave with no reasonable explanation for the delay, the leave will be denied until thirty (30) days after the employee provides notice. Therefore causing the employee to be in an unprotected status and not securing the FMLA benefits.

   Employees shall submit their FMLA leave notice to their supervisor. **It is recommended that when an employee requests FMLA, they schedule an appointment with Human Resources to receive an information packet containing the full policy, forms, rights and duties of FMLA and review benefits.** If Information is not sufficient for Human Resources to make an FMLA leave eligibility determination, the employee is required to provide additional information.

   Employees on FMLA leave are required to report periodically (at least once a month) to their supervisor on their status and intention to return to work. Employees must contact their supervisor within 5 working days of their original planned scheduled return date to confirm their return to work status or to inform their supervisor that extended leave is needed. If the return to work date is earlier than the expected return date stated on the FMLA application and medical certification, employees should notify their supervisor of the revised return to work date as soon as it is possible. A note from the treating physician if the reason for FMLA was for serious condition of self is required before the employee may return to work.

   If the employee needs to extend FMLA leave, the employee must notify the supervisor immediately by phone and in writing and the supervisor is to notify Human Resources. Failure to return to work at the expiration of the approved leave period will be deemed a voluntary resignation without notice.

   Failure to provide a status update may result in discontinuation of leave approval, denial of return to work or other disciplinary action, up to and including dismissal.

2. **Supervisor Responsibility:** The supervisor shall determine from each employee requesting leave the reason the leave is requested. If the employee fails to explain the reason leave is requested, the supervisor may deny leave. It is the responsibility of the supervisor to insure qualifying leave is designated as FMLA leave. If the supervisor believes the reason for the leave may be a qualifying reason under FMLA, the supervisor shall consult with Human Resources in determining if the employee is eligible for FMLA leave. The supervisor will notify Human Resources as soon as possible but not later than twenty-four (24) hours after an employee is out on sick leave for three (3) days.

   While the employee is out on FMLA, the supervisor shall attempt to contact the employee at least monthly to check on the employee and to obtain a status update.

3. **County Responsibility:** When an employee requests FMLA leave or the County acquires knowledge that leave may be for FMLA purpose, the County must notify the employee of his or her eligibility to take leave, including a reason for the non-eligibility if the employee is determined not to be eligible. When the County has sufficient information to determine FMLA leave eligibility, the County will notify the employee that the leave is designated as FMLA leave. Such eligibility notice may be oral or written and should, generally, be given within five (5) business days of the request for FMLA leave. Subsequent eligibility notice in the same twelve (12) month period may be required when an employee's eligibility status changes. The County will inform the employee of their rights and responsibilities under FMLA, including giving specific written information on what is required of the employee and the amount of time that will be counted against the employee's FMLA leave entitlement.

   If leave is designated as FMLA leave after the employee returns to work, such designation shall be made within two (2) workdays of the employee's return. FMLA may be delayed but the employee may still be entitled to FMLA protection.

L. **Certification.** Certification of the need for leave to care for the employee's illness or injury or that of a family member is required. The employee must complete a Certification of Physician or Practitioner form and obtain the following information from a responsible health care provider and make it available to the County within fifteen (15) calendar days from the date of their request for leave:
   1. The date the serious health condition began,
   2. The duration of the condition,
   3. For leave to care for a covered service member or family member with a serious injury or illness, a statement that the employee is needed to care for the covered member, and the estimated length of the leave or a statement that the employee cannot perform the functions of his/her job, or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family,
   4. If applicable, the medical reasons verifying the need for intermittent leave or a reduced work schedule, such as scheduled dates for treatment(s), or
   5. If applicable, a copy of the covered service member's active duty orders and certification providing appropriate facts related to a qualifying military exigency for which an employee is seeking leave.

If no certification is provided within 15 days, the County may not designate leave as qualifying as FMLA leave. If the County designates leave as qualifying as FMLA leave, the employee will be provided with a written notification of such designation. Human Resources reserves the right to contact the employee's health care provider to verify the authenticity of any certification that is received. If the employee does not provide certification, the absence will be considered unexcused under our attendance policy and subject to disciplinary action.

M. **Second Job.** Employees who are on an approved leave of absence (FMLA, worker's comp, etc.) may not engage in any form of self-employment or perform work for any other employer during that leave. Except when the leave is for military or public service or when the employment has been approved by the Department Head and County Manager while the employee is out of work and the employee's reason for leave does not preclude the outside employment.

N. **Medical Dispute Resolution.** Except in cases of Military Caregiver or Qualifying Military Exigency Leave, if there is a dispute about the medical option provided by the employee's physician, the County may require a second opinion by a physician of the County's choice, at the County's expense. If a third opinion is necessary, a third physician may be selected, also at the County's expense. The third physician must be agreed upon by both the employee and the County, and the physician may not be employed on a regular basis by the County.

Release to Return to Work. Under most circumstances, employees who return to work immediately after the expiration of FMLA leave and who do not exceed the amount of leave permitted under FMLA will be reinstated to either the same or equivalent job with equivalent pay and benefits. A physician's release is required for the employee to return from leave if the leave was for the employee's own serious health condition. Failure to provide a medical certificate of fitness for duty may result in a denial of job reinstatement until medical certificate release is provided.

An employee returning from FMLA leave may be denied reinstatement altogether under the following circumstances:

- The employee is unable to perform the essential functions of the job with or without a reasonable accommodation for a qualifying disability under the ADA;
- The employee failed to return to work upon the expiration of approved leave without requesting a leave extension supported by documentation substantiating the need;
- The position is a highly compensated position that is essential to County operations;
- The employee's leave was obtained by fraud or deliberate misrepresentation.

O. **Problem Resolution.** It is the policy of Duplin County not to discharge or discriminate against any employee exercising his/her rights under the FMLA. Any employee that feels he/she has been treated unfairly should contact the Human Resources Director or follow the Grievance Procedure.

Section 6. Leave Without Pay

Regular and permanent full-time and part-time employees, working at least one thousand forty (1,040) hours annually, may request a leave of absence without pay for absence from work not covered by any other type of eligible paid leave or if other paid leave balances are exhausted.

A. **Requests for Leave Without Pay.** Requests for leave without pay must be submitted in writing to the employee's supervisor or Department Head. If the leave is approved by the

Department Head, then the request will be forwarded to Human Resources and the County Manager for approval. The following requirements apply:

1. Leave may be granted to an employee for a period of up to a maximum of three (3) months upon the approval of the County Manager.
2. Accrued leave must be exhausted prior to taking any leave without pay. If the leave without pay request does not follow the guidelines under Article VI – Employee Leave Benefits, Section 4. Sick Leave, accrued sick leave does not apply and does not have to be exhausted prior to leave without pay.
3. An employee's vacation, petty and sick leave accrual are suspended during the period of unpaid leave until the employee returns to work.
4. Holiday pay is also suspended during the period of unpaid leave until the employee returns to work.
5. Leave without pay may run concurrent with any eligible FMLA leave.
6. While an employee is out on leave without pay, the employee is required to maintain contact with his or her supervisor monthly. In accordance with Duplin County Personnel Policy, Article X. Separation from Employment, Section 1 Types of Separation, B. Voluntary Resignation without Notice, failure to maintain contact with the employer or if the employee fails to report promptly at the end of the unpaid leave, unless otherwise prohibited by law or regulation, is presumed to have resigned except if the reasons for the delay are submitted in writing in advance and approved by the Department Head and County Manager.
7. While out on leave without pay, the employee is not earning compensation, therefore the Local Government Retirement System deductions will not be withheld during a period of leave without pay and it's considered a break in service. If the employee is out for their own serious extended illness or qualified for short term disability, the employee may complete a Form 485 to purchase credit for those months out on unpaid FMLA. If the employee was on leave without pay for Workers' Compensation or military leave, when the employee returns to work, the employee may choose to purchase retirement credit from the Local Government Retirement System and would need to speak to the Human Resources staff to learn of the process.

B. Benefit Premiums and Deductions. If Family and Medical Leave (FMLA) has been exhausted or the employee was not eligible for FMLA, employees granted leave without pay are responsible for paying all supplemental and dependent benefit plan premiums. After an employee has been on leave without pay for three (3) months, the employee must coordinate through Human Resources COBRA coverage for their employee health insurance and will be responsible for paying the premiums the county typically pays. Failure of the employee to pay any required benefit plan premium timely will result in termination of the benefits due to non-payment of premiums.

Section 7. Maximum Leave of Absence

Leave may be extended up to a maximum of twelve (12) consecutive months at the discretion of the County Manager unless preempted by State or Federal regulations. Employee's leave status will be reviewed periodically; however, once an employee has been on leave for six (6) consecutive months, the employee's status will be reviewed in detail to determine if the employee is to be separated from employment with the County.

With the exception of FMLA leave, an employee must request a leave of absence in writing from the employee's Department Head. All requests for non-FMLA leave of absence require the affirmative recommendation of the Department Head and the approval of the County Manager.

During any period of leave exceeding twelve (12) weeks for FMLA (twenty-six (26) weeks for military caregiver FMLA leave), the County reserves the right to fill, change or eliminate a vacant

position if required by the needs of the County. Upon returning from leave without pay (if not FMLA eligible), the employee is not guaranteed the same position, classification, seniority or pay. If the employee fails to return to work on the agreed date and the employee has not requested or been granted an extension in writing, the continued absence will be viewed as a voluntary resignation. If the leave of absence is unpaid, refer to Article VI – Employee Benefits, Section 6. Leave Without Pay.

Section 8. Military Leave

1. **Military Training.** Employees who are members of the National Guard or Armed Forces Reserve will be allowed two (2) calendar weeks for a total of fourteen (14) days of military training leave annually. If the employee's military pay is less than the employee's regular pay the County will pay the difference, provided the employee provides proof of compensation from the respective military branch. Otherwise this leave is without pay. Employees may elect to use annual leave to cover part or all of the military leave.

   Employees who are required to attend inactive duty training (weekend duty) may be granted accrued vacation leave or unpaid leave for assignments requiring their absence from their County position on Friday afternoon. If such military duty is required beyond the two (2) calendar week annual training period, the regular employee will be eligible to take accumulated vacation leave or be placed in a leave without pay status.

   Employees who are Guardspersons and Reservists have all job rights specified in the Veterans Readjustment Assistance Act and The Uniformed Services Employment and Reemployment Act (USERRA).

   If the employee chooses unpaid leave during his/her military leave, Duplin County Personnel Policy, Article VI, Employee Leave Benefits, Section 6. Leave without Pay policy would apply.

   Employees on military leave of more than 30 days may elect to continue county health insurance for them and their dependents up to 24 months through COBRA. For military service of less than 31 days, health care is provided as if the service member had remained employed.

   Returning service members will be reemployed in the job that they would have attained had they not been absent for military service with the same seniority, status and pay as well as other rights and benefits determined by seniority in accordance with USERRA. Returning service members are treated as if they had been continuously employed.

   Employees are required to provide copies of official orders for all periods of active duty training. The employee will provide a memorandum from the unit commander for periods of inactive duty training (weekend duty) and proof of compensation if the duty requires the employee to be absent from work.

2. **Active Duty.** An eligible employee who leaves County service as a result of volunteering for active duty or being drafted into the Armed Forces of the United States during time of war or other national emergency or when reservists and National Guard members are voluntarily or involuntarily called to active duty, shall be placed on military leave without pay. Requests for military leave shall be made in writing and submitted with copies of the employee's official military orders to the employee's supervisor. The employee shall notify their supervisor of the military obligation as far in advance as possible. A minimum of two (2) weeks advance notices is required except for emergency call-up. In the case of emergency call-up, the employee shall notify their supervisor as soon as practicable. The leave request and supporting military orders shall be forwarded to Human Resources. This

policy is in accordance with the USERRA and all amendments. Any conflicts between this policy and USERRA will be decided in favor of USERRA.

Section 9. Civil Leave

After an employee provides his/her Department Head with a copy of their juror summons, civil leave will be granted to regular employees who are summoned to attend court as a juror or witness, except when involved in personal litigation. A County employee called for jury duty or as a court witness for the federal or state governments or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated vacation, petty or sick leave provided that the employee returns to work immediately upon release from court. Any court fees paid to the employee for jury duty must be remitted to County Finance unless the employee elects to take vacation leave for days served. When the judicial district compensates individuals for mileage, such payments shall be retained by the employee if vacation leave is taken. Proper submission of travel reimbursement or check stub from the paying agency that identifies the travel reimbursement shall be remitted to the County and reimbursed to the employee by the County.

An employee required to serve as a witness as a result of his or her official duties must remit to the County any witness fees paid by the court. Where out of county jury duty/court witness for the federal or state governments or a subdivision thereof is required, the employee may deduct actual travel expenses as set out in the Travel policy. Employees may deduct from the amount turned into Duplin County for meals, parking fees and other related expenses (receipts must be attached).

While on civil leave, benefits and leave shall accrue as though on regular duty. Employees who are on jury duty and are scheduled for work on night shifts the same workday shall be protected from loss of pay for the entire twenty-four (24) hour period. Employees that are subpoenaed for court appearance as witnesses in connection with official duties shall not suffer loss of pay for performing any such duty. The employee must notify the supervisor of the date and time of the appearance, provide a copy of the respective subpoena, and return to work immediately after release from court and submit proof of appearance to the supervisor upon completion of such service.

Section 10. Parent-Child Involvement Leave

In accordance with North Carolina General Statute § 95-28.3 and in recognition of the importance of parent involvement in schools and the County's diverse needs for volunteers to support schools, Duplin County offers full-time and part-time employees four (4) hours of unpaid leave per calendar year regardless of the number of children to:

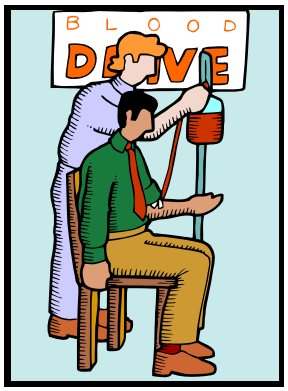
- Meet with a teacher or administrator of any elementary school, middle school, high school or child care program authorized to operate under the laws of the State of North Carolina as described in Parts 1 and 2 of Article 39 of Chapter 115C of the General Statutes concerning the employee's children. A child is a son or daughter who is a biological child, an adopted child, a foster child, a step-child, a legal ward, or a child of an employee standing in loco parentis.

- Attend any function sponsored by the school or child care program as defined above in which the children are participating.

- Performing school-approved volunteer work approved by a teacher, school administrator, or program administrator at your children's school.

Leave must be used at a time mutually agreed upon between the employer and the employee. Employees must receive approval from their supervisor to use this leave and employees shall make every effort to request use of this leave at least forty-eight (48) hours in advance. Supervisors may require the leave be taken at a time other than when requested, based on the operational needs of the County. County needs will always take precedence over Parent-Child Involvement Leave. Employees will be required to take approved Parent-Child Involvement Leave in increments of whole hours. Supervisors may require acceptable proof that leave taken is within the purpose of this policy.

Parent-Child Involvement Leave is non-cumulative. The four (4) hours of leave for part-time employees will be prorated based on regular hours worked. Usage of Parent-Child Involvement Leave will be deducted from the employee's leave account as it occurs during the year. Leave will not be advanced. Leave not taken is forfeited; it shall not be carried into the next calendar year. Employees shall not be paid for this leave upon separation or retirement.



Section 11. Administrative Leave – Blood Donation

As an employer, Duplin County encourages the donation of blood to the American Red Cross and to hospitals. In the event that an employee wishes to participate in this activity, he/she may request administrative leave for up to three hours for this purpose. This leave may be approved by the supervisor or department head once every two months, as a donor must wait at least 56 days in between donations and providing it does not cause disruption of work in the unit or department. Employee is required to provide documentation of donation and attach to employee's time sheet.

While the county supports other medical donations, those requiring more time than allowed above will require the employee to use accumulated sick or vacation leave.

Section 12. Closing County Offices due to Inclement Weather or Emergencies

It is Duplin County's policy to remain open for business whenever possible during regularly scheduled hours of operation, to the maximum extent allowable by weather conditions. The County Manager may at his discretion close government offices to the community for the safety of the employees and the public. The Department Head will assess the situation and may allow all or a select group of employees to work after government offices are closed.

Whether Duplin County Government offices are open or closed, employees are encouraged to use their judgment in determining their safety needs during severe weather and to act accordingly. Employees who are not able to report due to weather conditions are required to notify their supervisor and to report to work when safety permits. Employees must also notify their supervisors prior to leaving work during severe weather. Employees who are absent from work will be required to take leave only for those hours the department is officially open during their work schedule.

If department operating hours are modified or closed due to inclement weather or other emergencies by the County Manager and if the employee is available for work and intends to work, the time the county offices are officially closed will be counted as administrative leave.

An employee employed less than (6) months may use their vacation leave to compensate for hours not worked due to inclement weather or emergencies.

If an employee is unable to work due to the guidelines of Article VI – Employee Leave Benefits, Section 4. Sick Leave, the hours not worked will be applied to sick leave. A physician's note must be submitted if sick leave is taken during inclement weather or emergencies unless the employee has previously been approved for the use of sick leave for the day or days of inclement weather (such as a scheduled physician appointment or extended illness) or was in the midst of an illness prior to the onset of inclement weather.

County employees required to work during inclement weather or emergency events should prepare in advance if possible and be prepared to work. Those designated employees that fail to report to work as required (unless they're sick) may not be permitted to use paid leave or compensatory time for their absences and may be disciplined up to and including termination.

Those county employees that are requested to stay at the Emergency Operations Center or county offices during an emergency or inclement weather event are "engaged to wait" and because they cannot use the time effectively for their own purposes are considered working while on call and it is defined by FLSA as compensable work time.

Those periods during which an employee is completely relieved from duty and which are long enough to enable him/her to use the time effectively for his/her own purposes ("Waiting to be engaged") are not considered hours worked and it is not defined as compensable work time as defined by FLSA.

Designated employees will be paid for those hours actually worked. The County Manager has the authority to grant compensatory time to individuals required to work when the County is closed due to inclement weather and emergencies. The County Manager also has the authority to grant payment to individuals required to work when the County is closed due to inclement weather and emergencies.

ARTICLE VII – EMPLOYEE EDUCATION AND TRAINING

Training opportunities represent a significant investment of time and money. A comprehensive training program benefits employees by preparing them to do their existing job better, supporting opportunities for advancement to other positions, and building a working culture of personal and professional growth. Benefits to the county include improved employee morale, more proficient employees, greater retention of skilled employees, and improved ability to provide services to the community. Providing appropriate training to all employees will be a continuous process requiring commitment on the part of employees and leadership. Employees are encouraged to enhance their knowledge through educational and training experiences so the public is served at an ever-increasing level of excellence.

Section 1. Education and Training Requirements

It is the policy of Duplin County to provide training and development opportunities to all employees, within the availability of funds, in support of effective and efficient service to the citizens of the County. Training and development opportunities should be focused on the needs of the employee and the County.

It is the County's goal to promote learning opportunities that support life-long learning and assists individuals in working effectively together within their departments and throughout county government. Training and development will assist the County in adapting to change, increasing productivity, and improving the quality of the work environment and the employee's interactions with each other and with citizens.

All employees, except those employed by the elected departments unless they voluntarily choose to participate, are required to comply with the following training requirements provided funding is provided in the budget to procure the training or free training is offered through Human Resources:

Employee Type	Training	Frequency	Completion Requirement
New Employee	New Employee Orientation • Safety Training • Workplace/Sexual Harassment • Cultural Diversity • Customer Service • Workplace Violence • Professionalism/Ethics	Once	1 year
All Employees	Workplace/Sexual Harassment Cultural Diversity Customer Service	Every 2 years Every 2 years Every 2 years	

	Professionalism/Ethics Safety Training	Every 2 years Annually	
Supervisors	Supervisor Training Communication & Behavioral Styles Workplace Etiquette Managing Difficult Situations & People Meeting Management	Once Once Once Once Once	1 year 1 year 1 year 1 year 1 year
Department Heads	Continuing Education	Annually – 6 hours	December 31

This training and development policy lists minimum training requirements. Additional training requirements may be imposed by departments or professional credentialing bodies as necessary. Human Resources, Department Heads, supervisors and employees are to ensure strict compliance with this procedure. Failure to complete training requirements may subject the employee to disciplinary action and may be addressed in performance evaluations.

Section 2. Education Reimbursement

The County may reimburse educational expenses incurred in a course of study in a field which is required to maintain current status, e.g. licensure or certification requirements, or which addresses training or instruction to upgrade knowledge and skills directly relating to current responsibilities for regular or permanent full-time employees. Reimbursement must be approved by the Department Head and the County Manager and funds must be available within the departmental budget.

If the County assists with funding an advanced degree, the employee will be required to enter into a contractual agreement ensuring continued employment with the County, the duration of which will be mutually agreed upon by the Department Head and the employee with approval of the County Manager. Any reimbursement by the County is intended to supplement and not take the place of other financial resources or to duplicate payment for educational expenses. To be eligible for reimbursement, the employee must attend an accredited educational institution. The Department Head, with the consent of the County Manager, must approve all courses requested for reimbursement based upon documentation and funds in the budget.

Upon successful completion of a course approved in accordance with this policy, the County may reimburse the employee for the costs of tuition, additional course fees, expenses for books, exam costs up to two (2) attempts and other course materials. The employee must maintain at least a “B” average in the course to be eligible to apply for reimbursement. Any request for reimbursement of costs must be made in writing with course information and be approved by the Department Head and County Manager. Employees may request reimbursement prior to enrollment or after enrollment/completion of the course. If the employee is unsuccessful in passing the certification/licensure exam after two (2) attempts, the County will not pay or reimburse further attempts for class, certification or licensure. Any further attempts of the certification or licensure will

be the responsibility of the employee (all costs & time required). This policy is subject to funding availability.

Certification and/or Licensure Recognition

Duplin County recognizes that in certain county positions, employees are required to hold or maintain certain licensures and/or certifications to perform their job duties. Administration also understands that to obtain or maintain these special credentials, the employee must attend classes, study vigorously and pass often times, difficult exams. Therefore, in recognition of this extraordinary effort over and beyond the regular scope of duties performed daily, Duplin County will add a ½ step increase to the employee's salary in the following budget year once the licensure and/or certification is obtained. This incentive only applies to those certifications and/or licensures awarded or earned during the employee's tenure at Duplin County.

The Department Head in coordination with the Human Resources Director must develop a Skill Based Plan approved by the County Manager to utilize this incentive. A Skill Based Plan rewards employees for improving their proficiency with essential job skills by acquiring the specialized expertise with required licensure and/or certifications.

If the employee fails to complete continuing education requirements or pass renewal exams and subsequently loses a certification or license that resulted in a ½ step salary increase, the employee may be subject to a reduction in pay by ½ step.

Section 3. Educational Leave

Duplin County endorses higher education of the workforce and may make reasonable accommodations to facilitate employee's pursuit of further educational opportunities subject to work schedules and workload. The course must be directly job-related and must be intended to enhance the performance of the present job duties. This leave must be recommended by the department head and approved by the County Manager prior to the commencement of the course. A written request from the department head to the County Manager/ must include the details involving cost to the county, nature of training, use of county time, use of county funds, and arrangements for lodging, meals, and travel. An employee must also stipulate, in detail, the anticipated effects on work performance as a direct result of such training. The employee will receive his/her regular compensation during such approved educational leave. No compensation or reimbursement will be given to an employee whose leave is not approved.

No compensation or reimbursement will be given if the course is taken strictly for academic credit and has no job related purpose. Courses sponsored by the UNC School of Government are generally approved.

Under the Fair Labor Standards Act (FLSA), employee training time is considered within the "hours worked" definition and is therefore compensable. Attendance at lectures, meetings, training programs, and other similar activities is considered "hours worked" if it is intended to increase the employees" efficiency or is otherwise required by Duplin County. If an employee voluntarily attends school or other training outside their regular working hours and the training is not directly related to their job, the training time is not compensable. *Please also see Section 2. Education Reimbursement under this chapter for further information*.

Section 4. Academic Compensation

While employed with Duplin County, if a full-time employee obtains educational certification such as an Associate, Bachelor, Master or Doctorate degree that is relevant to their position within the County, the employee will receive the following increased compensation in their salary in the

following budget year after obtaining the degree dependent on Human Resources review of the request and the County Manager's approval.

Associate's Degree – ½ step increase
Bachelor's Degree – 1 step increase
Master's Degree – 1 ½ step increase
Doctorate Degree – 2 step increase

ARTICLE VIII – EMPLOYEE BENEFITS

Benefits are a large part of your total compensation and play an important part in your personal and family financial planning.

Briefly, Duplin County tries to provide you with a benefit package that:

- Is competitive with or better than other county and municipal governments;
- Duplin County can financially support in both favorable and unfavorable economic times;
- Best meets the most important needs of a majority of employees.

All of the county's benefits are reviewed annually and modified as necessary to keep competitive and within the County's budget. Many benefits are described in detail in booklets which you will receive. This section highlights only the major features.

Section 1. Benefits Programs

Total compensation at the County consists not only of wages, but also the various benefit programs which are offered. The terms of coverage of the County's benefits programs are more fully described in summary plan description booklets provided to eligible employees. The County reserves the right to amend or terminate any of its benefits programs or to require or increase employee premium contributions toward any benefits without prior notice at its discretion. This reserved right may be exercised in the absence of financial necessity. Health benefits are not absolute and unchanging and may be modified at any time. If future financial situations with the County no longer allow these benefits to continue, the County reserves the right to change and modify this policy for current employees and future employees who have not met the perquisite years to vest and qualify for this benefit.

Section 2. Health Benefits

The County may provide health insurance in an amount up to an individual employee's coverage for all full-time regular, permanent, trainee and probationary employees. The Board of Commissioners may require an employee contribution towards the cost of an individual employee's coverage to be determined annually in the annual budget ordinance. The Board of Commissioners may also provide premium incentives to reward wellness program participation. Such employee, who is working or on paid leave for one-half (1/2) or more of the regularly scheduled workdays in a month, shall be eligible for group hospitalization insurance except as provided by FMLA. A qualified employee wishing to have additional group hospitalization for dependents may do so at the employee's own expense to be deducted through payroll.

Employees hired before the first payroll of the month will be covered for health insurance the first of the following month. Employees hired after the first payroll of the month and want to pay for the first part of the month may still be eligible for health coverage the first of the next month. For those

employees hired after the first payroll of the month that do not want to pay for the first part of the month, their coverage will become effective the first of the month following the next month (ex. Hired June 15, effective August 1).

If the employee is on leave without pay, that employee can remain covered under the County's group hospitalization plan, but must pay his/her share to the County on a per pay period basis due on the regular payday when FMLA leave has been exhausted or the employee is ineligible for FMLA leave.

If an employee resigns or is terminated before the first payroll of the month, the health insurance will be terminated the end of that month. Employees who resign or terminate after the first payroll of the month, the health insurance will be terminated at the end of the following month.

Insurance for Retired County Employees

The County may offer to "qualified" retirees the option of maintaining individual employee coverage with the County's group health insurance plan. In order to be designated as a "qualified retiree," one must meet the following criteria:

Full-time Employees hired prior to August 18, 2008 must meet all 3 criteria:

1. Employee must be eligible to receive retirement from the NC Local Government Employee's Retirement System. Retirement may be of any type.
2. Employee must have been covered under Duplin County's insurance program at least twelve (12) months prior to retirement.
3. Employee must have at least 10 years of continuous Duplin County Government Employment immediately preceding retirement.

Full Time Employees hired on or after August 18, 2008 to September 30, 2014 must meet all 3 criteria:

1. Employee must meet criteria one (1) and two (2) above.
2. Employee must have twenty-five (25) years of non-continuous service with Duplin County at the time of their retirement from Duplin County.

Full Time Employees hired on or after October 1, 2014 must meet all 3 criteria:

1. Employee must meet criteria one (1) and two (2) above (described in prior to August 18, 2008 explanation).
2. Employee must have twenty-five (25) years of **continuous** service with Duplin County at the time of their retirement from Duplin County.

If the above criteria are met for full-time retiring employees, the retiring employee will be provided with an individual health insurance policy until he/she becomes covered by Medicare. Duplin County will pay one-half (1/2) the insurance costs of the premium for the retired employee. Once the employee is covered by Medicare, Duplin County will provide one-half (1/2) of the monthly hospitalization insurance premium for a Medicare Supplement and/or Drug Plan. The retiree may insure other family members through the county's insurance carrier. If more than an individual policy is procured, the employee must pay all costs associated with the additional insurance coverage.

The premium must be paid monthly, in advance. Failure by the retiree to pay the then current premium to Duplin County by the established due date may result in the retiree/dependent's health coverage being canceled. Once retiree/dependent coverage is terminated, the retiree and his/her dependents are ineligible for coverage under the County Group Health Plan then and in the future. This option must be elected without a break in coverage on the County's group health insurance

plan. Employee must elect/reject the option in writing within 30 days from date of retirement. If the option is not elected upon the date of retirement, the option will not be available in the future.
In the event of the retiree's death while he/she is continuing their hospital insurance through Duplin County's Group Plan, the dependent(s) covered by the retiree will be eligible to continue their hospital insurance coverage through Duplin County's Group Plan up to thirty-six (36) months under COBRA. The dependents would be responsible for paying the full premium plus administration cost by the date specified by the County.

County Commissioner Health Insurance (must meet both criteria)

1. Commissioner must have served at least two (2) consecutive terms (8 year) as a member of the Duplin County Board of Commissioners
2. Commissioner must have been covered under Duplin County's insurance program at least twelve (12) months prior to retirement.

If the above criteria are met for Commissioners, the Commissioner will be provided with an individual policy until he/she becomes covered by Medicare. Once the Commissioner is covered by Medicare, the Commissioner will be eligible for the county Medicare Supplement and/or Drug Plan. Duplin County will provide one-half of the monthly Medicare Supplement and/or Drug Plan premium.

All covered retiring employees/county commissioners will be required to report any other group medical coverage which they have at the time of retirement or which they may obtain subsequent to retirement so that benefits can be coordinated with the other insurance carrier.

Any group coverage that a retiree/county commissioner obtains as a result of post retirement employment will be considered primary and the Duplin County coverage will be secondary.

Failure to report other coverage will be considered justification for Duplin County to immediately terminate Duplin County retiree/county commissioner hospitalization coverage or Medicare Supplement and/or Drug Plan.

No employee who is terminated involuntarily will be eligible for this benefit.

The insurance premium will be drafted from an account of the retiree/county commissioner's choice by the 25th of each month.

Insurance premium rates are subject to periodic change and each covered retiree will be notified of said premium change. The Board of Commissioners may cancel the health insurance benefit at any time. Applicable state and federal laws will apply. Pursuant to applicable state or federal law requirements, employees who terminate employment with the County may be eligible to continue group insurance program for a specified period of time. Changes in family status, eligibility for Medicare, or death of a spouse may also warrant continuing coverage. The premiums for this continuation of coverage must be paid by the employee.

Section 3. Vacation, Sick, Petty Leave and Holidays

See Article VI – Employee Leave Benefits.

Section 4. Unemployment Insurance

Duplin County employees who are laid off or released from County service may apply for unemployment insurance benefits through the local office of the Department of Commerce, Division of Employment Security. Eligibility for unemployment insurance benefits will be determined by the Employment Security Commission.

Section 5. Retirement Benefits

Employees working a minimum of 1,000 hours per year will be enrolled in the North Carolina Local Governmental Employees' Retirement System as a condition of employment. Employees are required to contribute, through payroll deduction, six percent (6%) of their gross salary or at a rate to be determined by the North Carolina Local Governmental Employees' Retirement System. The County contributes an actuarially determined percentage of the gross payroll each month to the North Carolina Local Government Employees' Retirement System. There shall be no mandatory retirement age imposed on employees except in those positions where a bona fide occupational qualification exists in compliance with the Age Discrimination in Employment Act Amendment, 29 U.S.C. 621-634.

Section 6. Death Benefits

Death benefits are paid through the North Carolina Local Government Employees' Retirement System. If an employee dies while still in active service with at least one (1) year as a contributing member of the Retirement System, the employee's beneficiary will receive a single lump sum payment. The lump sum payment is equal to the employee's highest twelve (12) months of salary in a row during the preceding twenty-four (24) months before the death of the employee, but the death benefit will be no less than $25,000 and no more than $50,000. This benefit is also paid if the employee dies within one hundred and eighty (180) days of the last day for which the employee was paid a salary.

Section 7. Workers' Compensation Insurance

The purpose of this policy is to provide medical benefits, disability compensation and a smooth transition back to a regular work status for employees who sustain compensable injuries or illnesses, which arise out of or are found to be within the course and scope of their employment, in accordance with the North Carolina Workers' Compensation Act.

A. **Covered Employees.** All employees of the County (probationary and regularly established full-time, part-time, elected official, substitute and temporary) are covered by the North Carolina Workers' Compensation Act and are entitled to medical attention and appropriate weekly indemnity for injuries or illnesses, which arise out of or are found to be within the course and scope of their employment. Volunteers are also covered by the North Carolina Workers' Compensation Act and are only entitled to medical attention. Employees on official business outside the County will be covered by Workers' Compensation insurance in accordance with the North Carolina Workers' Compensation Act. Loss time is when a work related injury or illness results in absence from work. Loss time due to a work-related injury or illness will not be credited towards completion of an employee's probationary period.

B. The County provides insurance protection for on-the-job injuries and illness determined compensable under the North Carolina Workers' Compensation Act, which include:
    1. All eligible medical and pharmacy costs.

2. Weekly disability income benefits equaling two-thirds (2/3) of the employee's average weekly wage if they are unable to return to work.
3. Mileage to and from the employee's doctor's appointments if they travel twenty (20) miles or more round trip.
4. Death benefits payable to the employee's survivors.

C. **Reporting Requirements.**

1. Employees are responsible for:
   a. Immediately reporting any work-related injury or illness to their supervisor regardless of whether or not medical treatment is needed. Failure to report a work-related injury or illness in a timely manner could result in the denial of the Workers' Compensation claim. In any event, under the North Carolina Workers' Compensation Act, if notice of an accident is not given to the employer within thirty (30) days of the accident, compensation may be refused.
   b. Completing a Workers' Compensation Election Form at the time the incident is reported in case it becomes a lost-time case. This form should be provided to the employee by their supervisor.
   c. Seeking medical treatment from the Duplin County Employee Wellness Center, one of the County's authorized medical providers during normal office hours or with the nearest hospital emergency room if the injury or illness is life threatening or occurs outside normal office hours. You may also call the Duplin County Employee Wellness Center after hours to reach an on-call nurse or practitioner for non-emergency guidance. If a doctor, other than one of the County's authorized medical providers or the nearest hospital emergency room, is seen without prior approval, the County may not assume responsibility for the medical cost of those claims.
   d. Immediately providing written documentation of any work restrictions, time away from work and/or changes in their restrictions or work status to their supervisor and Human Resources. The written documentation can be submitted to the supervisor in person, by fax, or by any other means that ensure the supervisor will receive the documentation promptly.
   e. Reporting back to work after receiving medical treatment, if seen during normal working hours, unless otherwise instructed and documented by the physician. If seen after normal working hours, the employee is expected to return to work at their regular starting time the following day unless documented as unable to return to work by the authorized treating physician. Failure to report to work promptly after receiving medical treatment may result in disciplinary action, up to and including termination.
   f. Following the physical restrictions imposed by the authorized treating physician during non-working hours as well as working hours. In accordance with the Article III – Conduct and Ethics, Section 7. – Outside or Secondary Employment, the work of the County will take precedence over other occupational interests of employees.
   g. Time spent by employee waiting for and receiving worker's comp medical attention at the Duplin County Health Department Employee Wellness Clinic or other worker's comp medical appointments at the direction of the employer during the employee's normal working hours is compensable. However, this time will not count towards the calculation of overtime. Abuse of medical appointment time may result in disciplinary action, up to and including termination. Required medical treatment provided after working hours or on non-working days, is not compensable.
   h. Completing time sheets for any hours worked and any time away from work while receiving Workers' Compensation benefits and submitting them to their supervisor. Employees should note "Workers' Comp" on their timesheet for any time missed due to their work-related injury or illness. Employees should

note “Workers’ Comp. Medical Appt.” on their timesheet for any time missed due to a Workers’ Compensation medical appointment.

2. Supervisors and Department Heads are responsible for:
    a. Immediately notifying the Department Head and Human Resources of any incident that occurs during normal office hours. After normal office hours, the incident should be reported to the Department Head and Human Resources at the beginning of the next business day. Human Resources will need to schedule a post-accident drug and/or alcohol test for most worker’s comp accidents.
    b. Providing the employee with a Workers’ Compensation Election Form at the time the incident is reported in case it becomes a lost-time case.
    c. Completing the most recent version of the Form 19 (answering all the questions except the Case Number from Log in the OSHA 301 section) and an Accident Investigation Report Form indicating the facts, the cause and corrective actions taken for all Workers’ Compensation claims and forward to Human Resources along with the completed Workers’ Compensation Election Form within forty-eight (48) hours of the accident.
    d. Providing the employee with a blank Form 18 and a copy of the completed Form 19.
    e. Evaluating the injury and contacting Human Resources to arrange for medical treatment with a County authorized medical provider. Life threatening accidents or accidents occurring outside normal office hours should be directed to the nearest hospital emergency room. You may also call the Duplin County Employee Wellness Center after hours to reach an on-call nurse or practitioner for non-emergency guidance.
    f. Completing a Personnel Action form (PAF) or Payroll Change Notification form for any employee who will be placed on a leave of absence due to their work-related injury or illness and when the employee is released to return to work.
    g. Contacting employees who are away from work or working modified duty due to a work-related injury or illness, at least once a week to obtain updates regarding their condition and provide written documentation of any updates to Human Resources on a weekly basis.
    h. Ensuring that Human Resources receive all relevant documentation regarding the Workers’ Compensation claim including loss time reports and time sheets for reimbursement of loss time.
    i. Assisting Human Resources in identifying appropriate transitional work assignments for employees who have been returned to work with restrictions. Supervisors should implement modified duty in a timely manner and ensure that restrictions are not violated, if an employee returns to work on modified duty. If modified duty cannot be provided due to the employee’s job description, documentation of this should be provided to Human Resources.
    j. Reviewing modified duty assignments every two (2) weeks from the date the employee returns to work and forward findings to Human Resources.
    k. Returning the employee to their regular job assignment when released to full duty and ensure that employees do not, under any circumstances, return to work until they have been released by their authorized treating physician.
    l. Maintaining complete confidentiality for all work-related injuries and illnesses as required by law.
    m. Ensuring that all employees receive proper training on this policy regardless of their status as temporary, part-time or full-time, etc.
    n. Ensuring procedural notifications are posted at all work locations and visible to all employees.

3. Human Resources is responsible for:
    a. Ensuring all potential Workers' Compensation claims are reported to the insurance carrier in a timely manner and that the employee receives benefits provided by the North Carolina Workers' Compensation Act, if applicable.
    b. Scheduling post-accident drug and/or alcohol screening for most worker's comp accidents with the Duplin County Employee Wellness Center..
    c. Overseeing costs associated with work-related injuries and illnesses.
    d. Overseeing Workers' Compensation program and communicating policy and procedures to all employees and management.
    e. Maintaining effective communications with all parties involved in a Workers' Compensation claim.
    f. Ensuring all modified duty is in compliance with this policy.
    g. Should a suitable position, other than the employee's regular position, become vacant, Human Resources will provide the insurance carrier with a job description for the position, so that the position can be reviewed by the authorized treating physician. Normal announcement procedures for the new position will be required and the employee must submit an application to be considered for the approved position.
    h. Participating in North Carolina Industrial Commission hearings or mediations where appropriate.
    i. Maintaining complete confidentiality for all work-related injuries and illnesses as required by law.
    j. Ensuring that all medical recordkeeping and maintenance of OSHA 300, 300A and 301 forms are completed as required by law.
    k. Reporting fatalities and/or hospitalization of three (3) or more employees to the North Carolina Occupational Health and Safety Administration (OSHA).

D. **Duty Status.** After receiving notification that an employee has been released for modified duty, it is the responsibility of the Department to accommodate the employee's restrictions. Should the employee's regular position allow for the restrictions, the employee will be placed in that position and continue to perform under the restrictions until they are lifted by the authorized treating physician.

Transitional Duty Assignment: A temporary alternate duty assignment for an employee recovering from an occupational injury or illness that can be performed in conformance with the employee's medical restrictions. Transitional duty assignments allow the employee to remain gainfully employed during the recovery period.

Reasonable Accommodations: Any change in the work environment or in the way the work is customarily performed that enables a qualified individual with a disability, as defined by the Americans with Disabilities Act (ADA) and the Fair Employment and Housing Act (FEHA), to perform the essential functions of a position. Examples may include job restructuring, identifying part-time or modified work schedules, reassignment to a vacant position, acquisition of special equipment or devices, hiring readers or sign language interpreters, redesigning workload patterns, or making any other reasonable change that enables the qualified individual to perform the essential functions of the job.

If a Department cannot accommodate the restrictions or provide modified duty for the injured employee, the Department must notify Human Resources in writing immediately. The County Manager may approve budget amendments to transfer funds for salary from one Department to another, in order to accommodate an employee's return to work based on the supporting documentation provided by the Department Transitional duty assignments to departments other than the home department are subject to approval of Human Resources, the Workers'

Compensation Insurance Administrator and the Department Head. Operational issues such as budget constraints, staffing requirements, scheduling, etc. will be considered prior to approval.

The Workers' Compensation Insurance Administrator shall be notified when an employee is placed on transitional duty and/or returned to full duty, and when transitional duty is revoked. Any medical reports, or work restriction notices shall be forwarded to Human Resources who will then forward the information to the Workers' Compensation Insurance Administrator.

Assignments to transitional duty shall be for a period of up to six months unless the employee, Human Resources, the Worker's Compensation Insurance Administrator, and the involved department/s agree to a longer period of time, and as long as medical evidence indicates the employee is improving and is likely to return to full duty. The Workers' Compensation Insurance Administrator may revoke any transitional duty assignment if the employee's medical condition, based on medical documentation, is not improving. The Workers' Compensation Insurance Administrator will periodically review the status of employees assigned to transitional duty to ensure compliance with all work limitations and that the employee is meeting all medical appointments. Employees assigned to temporary transitional duty shall conform to the work procedures, practices, dress requirements and regulations of the workplace, division or department where assigned, and shall perform all work in conformance with their medical restrictions. Failure of the employee to satisfactorily perform the required duties may terminate the transitional duty assignment.

If the employee's medical condition is determined to be permanent or permanent and stationary, precluding work for which the employee was hired, the employee's assignment, if any, will be governed by applicable County policies, Workers' Compensation law and/or state and federal law. If the employee believes he or she is eligible for reasonable accommodation under the ADA or FEHA, the Workers' Compensation Insurance Administrator will coordinate a meeting with the employee, Human Resources and the home department head, to evaluate the employee's eligibility and determine whether or not a reasonable accommodation is available.

Once an employee has been on a continuous transitional duty assignment for a period of 90 days, the Workers' Compensation Insurance Administrator will set up a meeting with the employee, Human Resources, and the involved department head/s to determine the status of the employee's recovery and whether the transitional duty assignment will continue. A transitional duty assignment, if available, may extend beyond the six month period only if medical evidence indicates the employee's return to work is imminent.

If at any time while an employee is on a temporary transitional duty assignment the treating physician determines that the employee is able to perform regular work activities within current restrictions or without restriction, the employee shall return to his or her regular duties.

COMPENSATION

While temporarily assigned to transitional duty, the injured/ill employee will be paid his or her regular base pay.

While an injured/ill employee is temporarily assigned to transitional duty, time associated with physician appointments shall be included on the time sheet for that week. If the Workers' Compensation claim is denied, then employee must use sick or vacation time for all appointments.

E. **Employee's Obligation to Accept Suitable Employment.** Once released by the authorized treating physician to return to work in a transitional, modified, or restricted duty status, the employee is expected to accept a suitable position that is consistent with the restrictions imposed by the physician. If the employee refuses the position, the County will

exercise its legal rights under the North Carolina Workers' Compensation Act (GS 97-32) which states, "if an injured employee refuses employment procured for him suitable to his capacity he shall not be entitled to any compensation at any time during the continuance of such refusal, unless in the opinion of the Industrial Commission such refusal was justified."

Should the employee refuse modified duty approved by the authorized treating physician, a written statement from the employee is required. The statement shall note that the employee voluntarily declined the modified duty position with full and complete understanding that Workers' Compensation payments may be affected.

If initial efforts to contact an employee fail, a letter shall be mailed through certified mail or regular mail to the address on record for the employee. The letter shall include information concerning the medically approved transitional duty and shall state an expected return-to-work date. If the employee fails to contact either the supervisor or Human Resources within three (3) days of the receipt of the certified letter or if the certified letter is not claimed and is returned, this shall be considered a refusal of the offer of work and a possible voluntary resignation without notice under the County's Article VIII - Separation from Employment.

F. **Wage Compensation.** The amount of Workers' Compensation benefits is based on the employee's average weekly wage over a period of fifty-two (52) weeks prior to the date of the work-related injury or illness. Benefits equal two-thirds (2/3) of the employee's average weekly wage. Currently, under the North Carolina Workers' Compensation Act, there is a seven (7) calendar day waiting period beginning the day after the injury or illness occurred, during which Workers' Compensation will not compensate the employee for the waiting period, except where the injury results in a disability for more than twenty-one (21) days. This waiting period will be unpaid unless the employee elects to use their accumulated sick or vacation leave. If the employee elects to use their accumulated leave, a copy of their completed Workers' Compensation Election Form will be submitted to the Workers' Compensation carrier to acknowledge that they have used their accumulated leave to cover the first (7) seven days of disability and that they should not be compensated for this waiting period through Workers' Compensation because they are not entitled to retain more than 100% of their regular salary under current North Carolina law.

If an employee has not been released to work in a modified duty status, the employee must immediately provide their supervisor written documentation from the authorized treating physician. In such cases, the employee will receive Workers' Compensation benefits. If an employee is unable to return to work and is being paid through the County's Workers' Compensation insurance carrier, the employee will be placed on FMLA leave to run concurrently or placed in a leave without pay status (if not eligible for FMLA leave) since the employee may not use their accrued sick or annual leave to subsidize their Workers' Compensation benefits. Therefore, the County's Article VI – Employee Leave Benefits, Section 5. Family and Medical Leave Act (FMLA) policy would take effect, even if the employee is placed in a leave without pay status, except the employee's vacation and sick leave will not be exhausted.

When an employee returns to their regular work schedule but with medical restrictions, they will receive their regular salary. If an employee has limited work hours, they will receive regular salary for the hours worked and Workers' Compensation benefits for the hours not worked. Such benefits shall equal two-thirds (2/3) of the difference between the employee's average weekly wage and the wage they receive while working limited hours. If an employee is receiving Workers' Compensation benefits along with any portion of their regular salary, they will not be eligible to participate in the North Carolina State Retirement System until they cease receiving Workers' Compensation benefits however they will have the option to purchase lost time due to Workers' Compensation from the North Carolina State Retirement System in accordance with North Carolina GS 128-21 – Retirement System for Counties, Cities and Towns.

If the employee has returned to work or if they had no loss time and still have follow-up appointments with their authorized treating physician, they are encouraged to schedule these appointments during non-work hours (before work, after work or during the employee's lunch hours), whenever possible. If an appointment occurs during their regularly scheduled working hours, the time missed from work for these appointments will be paid at the employee's regular hourly wage and this time will not count towards the calculation of overtime. The employee must record on their time sheet those hours as workers comp appointment.

G. **Drug and Alcohol Testing.** The County will send employees to be tested for the presence of drugs and alcohol following an on-the-job accident under the follow circumstances:

1. A fatality
2. An injury to the employee or another individual requiring immediate medical treatment away from the scene of the accident
3. The employee's vehicle is disabled and removed from the scene by other than its own power.
4. An accident that would necessitate the need to file a claim with the County's Property and Liability Insurance.
5. A sequence of minor accidents or injuries where medical treatment may not have been required.
6. Reasonable suspicion based on facts that conclude the accident was due to the employee's drug or alcohol impairment.
7. If operating a motor vehicle, the driver is cited for a moving traffic violation and any individual involved is transported for medical treatment.

Following an accident as defined above, the employee will be tested as soon as possible but not to exceed (8) eight hours for alcohol testing and thirty-two (32) hours for drug testing. Any employee who tests positive for drugs and/or alcohol will be subject to termination. If an employee refuses to submit to required post-accident drug and alcohol testing, they will be considered positive for drugs and alcohol and will be subject to termination. All post-accident drug testing will be coordinated through the Duplin County Health Department on-call personnel or the Duplin County Safety Officer. If post-accident drug testing cannot be conducted at the Health Department, arrangements will be made at the hospital for off-hours accidents.

H. **Discipline and Consequences.** Failure to follow the procedures as set forth in this policy will result in disciplinary action up to and including dismissal and may also result in the following:

1. Any employee involved in an on-the-job injury or illness who does not report it immediately may be subject to denial of benefits under the North Carolina Workers' Compensation Act.
2. Any employee injured on-the-job who does not get prior approval for medical treatment (excluding life threatening accident and accidents occurring outside normal business hours) will jeopardize payment of bills incurred relating to the accident.
3. Any employee who tests positive for drugs and/or alcohol will be subject to dismissal. If an employee refuses to submit to required post-accident drug and alcohol testing will be considered positive for drugs and alcohol and will be subject to dismissal.
4. If it is determined that an employee has abused their time away from work for Workers' Compensation medical appointments, they will be subject to disciplinary action up to and including dismissal.

Section 8. Leave Transfer

A. **Voluntary Shared Leave Program.** There are occurrences brought about by prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave-without-pay. It is recognized that such employees could be without income at a critical point in their life. It is also recognized that fellow employees may wish to donate some of their leave voluntarily so as to provide assistance to fellow employees. This policy provides an opportunity for employees to assist another affected by a medical condition that requires absence from duty for a prolonged period of time resulting in possible loss of income.

In cases of serious medical conditions, an eligible employee may apply for or be nominated to become a recipient of leave transferred from the vacation leave account of one (1) or more employees. For purposes of this policy, serious medical condition means serious medical condition of an employee, an employee's spouse, an employee's legally dependent children, or an employee's parents that is likely to require an employee's absence from duty for a prolonged period, generally considered to be at least ten (10) consecutive workdays. The medical condition must be non-work related and of a serious nature that prevents the employee from doing his or her job (i.e. heart attack, cancer, stroke, pregnancy-related complications, major muscle or bone injuries, and/or medically necessary operations). Generally, if an employee would qualify for FMLA leave, the employee may be considered to be eligible for the Shared Leave Program. The intent of this policy is to allow one (1) or more employees to assist another employee in cases of prolonged medical conditions which have resulted in exhaustion of all earned leave.

The request for transfer and use of vacation leave from one individual to another shall be presented in writing to the Human Resources Director by the appropriate Department Head.

1. To be eligible for consideration to receive donated leave, the employee:
    a. Must have been employed at least one (1) year in a regular or permanent full-time position with the County, that is eligible to earn leave benefits;
    b. Will exhaust all sick, vacation, petty and compensatory leave prior to returning to work;
    c. Will use donated leave for the sickness of the employee, the employee's spouse, the employee's legally dependent children or parents as defined under FMLA.
    d. Should not have a history or pattern of sick leave absences that are not supported by suitable explanations
2. Any regular or permanent Duplin County employee may, at the employee's voluntary option, and with supervisory review and approval, transfer vacation leave to another regular or permanent Duplin County employee.
3. After the donation, the donating employee must still have a minimum balance of forty (40) hours of vacation leave. Donors shall complete an authorization form designating the number of hours being donated and to whom it is being donated. The employee must sign the form to authorize the transfer.
4. The employee receiving donated time will sign a Voluntary Shared Leave Receipt form authorizing Human Resources to advertise the need for shared leave. The recipient will be given information on the amount of time donated, but will not receive information such as the names of donating employees. Leave time will be donated to the employee anonymously.
5. Donated leave will be applied as needed in the order of receipt. If all the donated leave is not used by the recipient, any excess leave will be returned to the donor.
6. Leave sharing shall only be considered for extreme illness-related hardship situations or catastrophic situations.

7. An employee may not file a grievance, or an employee appeal, if their request to receive leave or donate leave is denied. The County Manager will render a final decision based upon the merits and circumstances of each request.
8. Leave sharing shall not be available to employees who are receiving Workers' Compensation.
9. Any donation of leave must be done strictly on a voluntary basis. Solicitation on the part of Department Heads or supervisors is not permitted.
10. The maximum amount of vacation leave an employee can transfer in a calendar year is forty (40) hours regardless of the number of employees donated to.
11. The maximum amount of shared leave an employee may receive in a calendar year is two hundred and forty (240) hours, either continuously, or if for the same condition, on a recurring basis.
12. Donated leave may be taxable to the recipient. The dollar amount of any donated leave will be added to the recipient's W-2 as income and taxed appropriately.

B. **Transfer of Compensatory Leave to Sick Leave.** Any regular or permanent employee may, at employee's voluntary option, and with supervisory recommendation and approval, transfer compensatory time to sick leave when all measures have been exhausted to use such leave and the County Manager approves the transfer. The maximum amount eligible to be transferred in a calendar year is twenty (20) hours and an employee is only allowed one (1) transfer per calendar year. However, the County Manager may approve, with the voluntary, written request of the affected employee and the written approval of the supervisor, waive this maximum transfer amount if sufficient justification exists to do so.

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

Section 9. Social Security Retirement/Disability and Medicare Account

All eligible employees shall participate in Social Security coverage as provided by Title II of the Federal Social Security Act as amended. All exclusions contemplated by the Act shall be provided to elected governing officials who are not required to devote a major portion of their time to the duties of their office. This plan provides retirement income for the employee and spouse, disability income, death benefits for surviving spouse and dependent children, and Medicare protection at the age of 65. The County contributes a percentage of the employee's income into this federally operated program.

Section 10. Other Benefit Programs

The County offers a number of benefits designed to allow employees to meet their own health and welfare needs as well as those of their families. A number of approved payroll deduction plans are also available, which provide the employee with increased available income and an enhanced ability to save for retirement. Each employee is encouraged to make responsible decisions regarding both present needs and future financial stability. The County reserves the right to determine whether to allow the addition of a benefit or service and to provide for payroll deduction based upon the past performance, financial responsibility and reputation of the organization requesting or receiving such deduction, whether or not the administration of the program would prove to be unduly burdensome to the County, and whether interest is expressed by a sufficient number of employees representative of all the agencies of the County. Human Resources shall maintain a current list and description of all benefits available to employees and shall make said list and all updates available to employees.

Section 11. Law Enforcement Officers Additional Benefits

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

A. Separation Allowance. In accordance with G.S. 143-166.42, the County shall provide a special separation allowance to qualified Sworn Law Enforcement Officers who retire and meet all of the following qualifications:

1. The officer must have completed thirty (30) years or more of creditable service or have attained fifty-five (55) years of age and completed five (5) or more years of creditable service; and
2. The officer must not yet be age sixty-two (62); and
3. The officer must have completed at least five (5) years of continuous service as a law enforcement officer immediately before service retirement. Any break in the continuous service required by this subsection because of disability retirement or disability salary continuation benefits shall not adversely affect an officer's qualification to receive the allowance, provided the officer returns to service within 45 days after the disability benefits cease and is otherwise qualified to receive the allowance.

As used in this section, "creditable service" means the service for which credit is allowed under the retirement system of which the officer is a member, provided that at least fifty percent (50%) of the service is as a law enforcement officer as herein defined.

Payment of the separation allowance to the retired officer will cease at the first of: (1) the death of the officer; (2) the last day of the month in which the officer attains 62 years of age; or (3) the first day of reemployment by a local government employer in any capacity.

A local government employer such as Duplin County Government may employ retired officers in a public safety position in a capacity not requiring participation in the Local Governmental Employees Retirement System, and doing so shall not cause payment to cease to those officers under the provisions of this section.

B. **Supplemental Retirement Income for Law Enforcement Officers.** The County participates by special contribution in the Law Enforcement Officers Supplemental Retirement Income Plan-401(k).

Section 12. Employee Assistance Program (EAP)

The County recognizes that a wide range of personal, family and work-related problems may impair an employee's work performance and may also impact their fellow employees. The County also realizes that with early intervention and proper support, employees can be assisted with overcoming their problem and becoming able to fully function at work and at home. As a result, the County has established an Employee Assistance Program (EAP) for its employees.

The EAP is a voluntary and confidential program designed to assist with employee problems including, but not limited to, depression, substance abuse, emotional distress, coping with major live events, healthcare concerns, financial or legal concerns, personal or work-related relationship issues, concerns about aging parents.

A. **Eligibility.** All regular full-time employees, spouses and dependents are eligible to participate in the EAP.

B. **Program Benefits.** The EAP program includes a variety of benefits at no cost to eligible employees such as:
   1. Up to three (3) employee visits to an EAP counselor and if an employee needs further counseling services, the visits require a co-pay from the employee.
   2. Employees may call **910-298-6207** from 8 am to 8 pm and the emergency phone number is **910-290-0153** for nights, weekends and holidays.
   3. Management support for supervisors and Department Heads.

C. **Self-Referral to the EAP.** Employees and their eligible family members are encouraged to call the EAP directly and arrange an appointment with a counselor. Time off and sick leave for EAP consultation and treatment may be granted in accordance with Article VI – Employee Leave Benefits, Section 4. Sick Leave as it relates to doctor's appointments.

D. **Management Referral to the EAP.** Employees may be referred to the EAP by their supervisor, department head or Human Resources if a decline in job performance or conduct seems to be affected by job-related problems. It is the employee's responsibility to cooperate in any designated treatment or rehabilitation plan.

   Employees who are referred to the EAP are expected to fully participate in the recommendations received through the program. Merely utilizing the EAP services will not alter the application of disciplinary actions nor will it serve as an exemption from disciplinary procedures. Improving job performance to an acceptable level is the only basis for continued employment.

E. **Confidentiality.** Services will be provided off-site and appointments will be scheduled by the provider to ensure anonymity. All communications between the employee and the EAP will be strictly confidential and will not be released without an employee's written consent unless otherwise specified by law. In the event of a management referral, information other than whether the employee attended the appointment and whether the employee accepted the assistance that was offered will not be released without the employee's written permission.

F. **Disclaimer.** Voluntary participation in the EAP does not affect an employee's job security or career advancement with the County nor does it prevent employee disciplinary actions, including discharge.

   If the employee refuses the offer of help through the EAP and job performance does not improve, disciplinary action will be taken which could result in termination.

Section 13. Wellness Program

Duplin County offers a wellness program for regular, permanent, probationary and trainee status full-time and part-time employees. The wellness program is designed to encourage and promote healthy lifestyles to improve employee morale, work performance and to reduce absences, presenteeism, workplace accidents, and healthcare costs. The wellness program includes biometric screenings and health risk assessments for eligible employees, exercise opportunities, wellness seminars, and an Employee Assistance Program.

Section 14. County Gym

Duplin County encourages employees to participate in athletic, exercise, wellness and recreational programs. Participation in these activities is open to all active and retired employees, is voluntary, and generally should take place outside normal working time. Gym membership

fees are payroll deducted monthly or drafted for retirees. When approved by management, participation may be extended to employee and retiree families.

The County reserves the right to exclude an employee from participation in county sponsored athletic and recreational programs such as the County Gym if participation would pose a direct threat to the safety of the employee or others. The County retains the right to change all aspects of its athletic and recreational programs and to discontinue their existence.

Section 15. Health & Wellness Center

Duplin County Government believes that healthy employees can more effectively perform their assigned duties. A Health & Wellness Center is available at no charge to all County employees and their dependents for basic level care including routine medical care and health screenings at no cost to the employee. However, employees and their dependents on medical insurance other than Duplin County Health Insurance must present their insurance cards to the Health Department Health & Wellness Center for filing claims but co-pays are waived.

Employees can access medical services at the Health Department Wellness Center without using sick or petty leave if he/she returns to work immediately after the appointment or visit. These visits must be coordinated through the Supervisor or Department Head if during work hours and employees may call ahead to schedule an appointment or request the Wellness Center to call when the best time to arrive without a long wait. The employee would use sick and/or petty leave if the employee fails to return to work after his/her medical appointment. The employee must obtain a medical note from the Wellness Center, attach it to their time sheet and mark the time on their time sheet as Wellness Center. However, whenever employees utilize the Health & Wellness Center for dependent visits during a work day, they must use their leave.

The Health & Wellness Center offers the following services:

- Provide basic level care for all eligible employees and dependents
- Contracted services with a Chiropractor, Physical Therapist and Eye Doctor
- Assist with disease management by advising and guiding employees and their dependents with chronic disease such as diabetes and high blood pressure
- Provide preventive health care information
- Administer routine physicals
- Administer first aid
- Provide pre-employment screenings
- Give fitness for duty examinations
- Worker's Compensation examinations, treatment, follow-up and the development of a back to work plan
- Provide wellness checks and standard vaccinations
- Contracted services with a Pharmacy to dispense generic medications at no cost and reduced costs for name brand prescriptions.
- Provide annual Health Risk Assessments – biometric measurements including glucose, cholesterol, blood pressure, height and weight
- Provide laboratory services
- Tobacco Cessation counseling and nicotine replacement therapies are available
- Breast Feeding consultations with a certified lactation consultant and breast pumps at no charge
- Free Durable Medical Equipment is available (Sleep apnea machines, nebulizers, crutches, etc.)
- Registered Dieticians
- Weight Management and Weight Watchers
- Diabetic Classes with free diabetic monitors and strips
- Refer patients to their primary care physician and/or specialist when appropriate

Walk-ins accepted, appointments preferred.

All employee and dependent medical information is confidential and regulated by HIPAA (See Article XI – Employee Records and Reports, Section 4. HIPAA Medical Privacy**)**.

Section 16. Health Performance Incentive Program

The Health Performance Incentive Program is voluntary and available to all full-time employees. The financial reward is not associated with your health insurance.

In order to be eligible for the $250 Health Performance Incentive payment employees must achieve 40 of a possible 50 points in any combination from a designated list of risk categories. Employees have from July 1 to May 31 to qualify. The manner in which employees qualify for the Health Performance incentive will be compiled by the Health Department and will not be disclosed to Management. The Health Department will verify that the employee has earned the necessary points to qualify for the incentive. The Health Department will advise Personnel when an employee earns the points needed to qualify for the incentive. Personnel will then notify Finance and the reward will be processed the following payroll.

Annual Health Risk Assessment

Full-time and part-time employees that work 30 hours or more per week may participate in the annual Health Risk Assessment through the Duplin County Health Department. Full-time employees will earn eight (8) hours and part-time employees will earn a pro-rated amount of vacation leave. The Health Risk Assessment consists of:

- A blood draw which typically test for glucose and cholesterol levels
- Blood Pressure
- Weight and Height
- Health Survey
- Wellness Coaching

Section 17. HIPAA Medical Privacy

The County is not a covered entity as defined by the Health Insurance Portability and Accountability Act (HIPAA); however, we do maintain healthcare and related plans that are subject to HIPAA requirements. Therefore, the purpose of this policy is to protect the privacy and confidentiality of protected health information (PHI) whenever it is used by County representatives.

--Protected Health Information (PHI)

PHI refers to health information that is received by the County's health plans or healthcare clearinghouse that individually identifies an individual and relates to their past or present health or

for payment of healthcare claims. PHI includes medical conditions, health status, claims experience, medical history, physical examinations, genetic information and evidence of disability.

--HIPAA Compliance Officer (HCO)

The County has designated the Human Resources Director as the HIPAA Compliance Officer (HCO) and any questions or issues regarding PHI should be presented to the HCO for resolution. The HCO is responsible for:

- Issuing procedural guidelines for access to PHI
- Developing a system for personnel who need access to PHI
- Develop guidelines for describing how and when PHI will be maintained, used, transferred or transmitted

As necessary, the County performs enrollment, changes in enrollment or payroll deductions, provides assistance in claims problem resolution and explanation of benefits issues, and assists in coordination of benefits with other providers. Some or all of these tasks may require the use or transmission of PHI. Therefore, all information related to these activities will be maintained in confidence and employees will not disclose PHI for employment-related actions, except as provided by the administrative procedures approved by the HCO.

--General Rules and Exceptions

The following is not considered PHI-protected:

- Disclosure of PHI to the individual to whom the PHI belongs
- Requests by providers for treatment and/or payment
- Disclosures requested to be made to authorized parties by the individual PHI holder
- Disclosures to government agencies for reporting or enforcement purposes
- Disclosure to workers' compensation providers and those authorized by the workers' compensation providers
- Information regarding plan coverage for an individual for claims processing purposes
- Information external to the health plan if the information is being furnished for claims processing purposes involving workers' compensation
- Medical information received to verify ADA or FMLA

--Retention

Personnel record and disclosures of PHI will be maintained in accordance with state and federal regulations. Records maintained for the maximum length of time will be destroyed in a manner that ensures such data will not be compromised in the future.

Section 18. Uniforms

It is Duplin County Government's intent to ensure that employees providing specific services to its citizens are provided County uniforms that give the look of a professional appearance and provide identification as a County employee. Generally, uniforms will be supplied by the County or a clothing allowance may be provided and prorated based upon hire date and after completing probation unless the uniform is needed immediately for work purposes such as a Sheriff's Deputy, Detention Officer or Paramedic, etc.

Per IRS guidelines, uniforms or clothing, provided by the employer or provided through an allowance to the employee are excludable from taxable wages of the employee if they are:

1. Specifically required as a condition of employment and are;
2. Not worn or adaptable for general use as ordinary clothing.

For a uniform or clothing allowance meeting these requirements to be excludable from the taxable wages of the employee, the accountable plan rules must be met by the employee. To meet the accountable plan rules, the employee must submit the original uniform/clothing purchase receipt for reimbursement, which identifies the uniform/clothing purchased as approved by their respective department head. Uniform/clothing allowances will not be reimbursed to the employee without proper documentation of purchase of approved uniform/clothing. If a uniform or clothing allowance qualifies to be excludable from taxable wages, then the cleaning costs are also excludable from taxable wages.

Uniforms or clothing, provided by the employer or provided through an allowance to the employee, are includable in taxable wages of an employee if they do not qualify for the exclusions above. Allowances that are includable in the taxable wages of an employee will be reimbursed/paid through payroll as miscellaneous pay. Request for reimbursement of a uniform allowance must be made within the year the allowance was expended.

Examples of reimbursement:

1. Budget year 2013-2014. Allowable reimbursement receipt indicated purchase was made on 5-31-14 and request for reimbursement was submitted to Finance in June 2014 for payment. Employee was reimbursed in June 2014.
2. Budget year 2013-2014. Allowable reimbursement receipt indicated purchase was made on 3-31-13 and request for reimbursement was submitted to Finance in July 2014 for payment. Employee was not reimbursed because year ended June 30, 2013.

Examples:

Uniforms or clothing bearing the county name, the department name, imprints, applied badges, etc.; that are required to be worn while at work and would not be worn or adaptable for use as ordinary clothing are considered uniforms or clothing that is excludable from the taxable income of the employee. Example: Sworn Law Enforcement Officer uniform, Maintenance/Housekeeping uniform, Nurse uniform

Clothing that is adaptable to everyday use and would be considered adaptable for use as ordinary clothing is not excludable from the taxable income of the employee. Example: Detective's ordinary clothing - example – suit, cloths an individual not working for law enforcement would be expected to wear to work, work cloths that any citizen would be expected to wear, Undercover Police Officer clothing.

Employees are required to sign for the uniforms and/or PPE equipment and gear received. Each employee is responsible for the proper care and handling of these uniforms. In addition, employees shall utilize these uniforms for its intended purpose in accordance with County procedures. Uniforms shall be worn at all times during work hours.

Proper Uniform Issuance

1. An eligible employee shall be entitled to receive uniforms upon completion of a 90 day probationary period except where a uniform is needed immediately upon hire such as Emergency Services, Sheriff's Office and Detention.
2. Uniforms will be issued once and upgraded on an as needed basis as determined by the Department Head. Any size change requested by the employee will normally be at the employee's expense.
3. Uniforms will typically consist of five (5) outfits (shirt and pants), jacket for the fall/winter months, safety shoes/boots for those required to wear them and personal protective equipment (PPE) such as reflective vests, hats, etc. and/or gear required for protection. Typically, an employee is provided no more than five (5) uniforms without written justification from the Department Head to the Budget Officer/County Manager for expenditure approval of additional uniforms.

Wear the Uniform

1. Each employee shall be responsible for maintaining his or her uniform in good order by keeping the uniforms clean and self-maintenance on those items such as mending missing buttons, patches, etc.
2. Long sleeve shirts will be worn with sleeves down. All shirts shall be tucked into the pants neatly at all times and buttoned appropriately.
3. Excess gear such as gun belts for Sheriff's Deputies, Detention Officers and medical belts for Paramedics, etc. should all be worn appropriately.

Replacement of Uniforms

1. Each employee is responsible for keeping up with each piece of uniform issued to them. They will be responsible for purchasing replacement items that are lost.
2. Uniforms damaged, destroyed or worn out in the line of duty will be repaired or replaced by the County. Employee will be required to turn in damaged, destroyed or worn out uniforms to receive replacement uniform.
3. Uniforms damaged or destroyed through negligence or abuse shall be repaired or replaced by the employee responsible.

-Uniform Return

1. The uniforms, PPE and gear are considered County property. In the event of an employee termination/resignation, all uniforms, PPE and gear are to be returned as part of the exit process to the employee's supervisor prior to receiving last paycheck.
2. Any missing, damaged or destroyed uniforms through negligence or abuse shall be deducted at cost from employee's last paycheck in accordance with FLSA regulations.

As part of the annual budget process, each department head must submit its most recent uniform policy along with a breakdown and justification of the uniform budget.

Section 19. Local Government Federal Credit Union

Duplin County Employees have access to the Local Government Federal Credit Union inside the State Employees Credit Union office. You and members of your immediate family living under the same roof are eligible to join the Local Government Federal Credit Union. An individual is entitled to all membership privileges, including the opportunity of saving through a bi-weekly payroll deduction, receiving above average dividends from earnings, and borrowing funds at low interest rates. Duplin County is not responsible for money deposited with the Credit Union.

As a Duplin County employee, you may, upon written instructions to Human Resources, have a specified amount deducted bi-weekly from your pay and deposited to your credit union account or another approved bank account either in a Savings Account, Christmas club, Vacation Account, etc. to save money for those unexpected or wishful expenses.

ARTICLE IX – DISCIPLINARY ACTIONS

Department Heads and supervisors are responsible for maintaining the proper conduct and discipline of employees under their supervision. When an employee's performance or conduct is determined by a supervisor or Department Head to be unacceptable, disciplinary action may be taken. Disciplinary action is not to be considered as limiting or restrictive in nature, and application may vary based upon the circumstances. It is the policy of the County to administer discipline without discrimination. Disciplinary action shall be for cause. The supervisor or Department Head in coordination with Human Resources shall investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

Section 1. Just Cause for Disciplinary Action

A. Any employee, regardless of occupation, position, or profession may be warned, demoted, suspended or dismissed by the Assistant County Manager, Department Head or by the Agency Director for personnel subject to the State Personnel Act in coordination and consultation with the Human Resources Director and when requested or required by this policy, the County Attorney. Such actions may be taken against all employees. The degree and type of action taken shall be based upon the sound and considered judgment of the Assistant County Manager, Department Head or by the Agency Director for personnel subject to the State Personnel Act, or their designee in accordance with the provisions of this policy.

   Employees of the Sheriff and Register of Deeds serve at the will of those officials and therefore those elected Department Heads may or may not choose to follow the policies and procedures of this Article. The Sheriff and Register of Deeds shall have the right to hire and terminate employees in their respective departments under the authority of N.C.G.S. 153A-103.

When just cause exists, the only disciplinary actions provided for under this Article are:

1. Verbal Counseling or Coaching
2. Written warning and/or Corrective Action (Performance Improvement Plan – PIP);
3. Disciplinary suspension without pay;
4. Demotion; and
5. Dismissal.

B. There are two (2) bases for the discipline or dismissal of employees. These two bases are:
   1. Discipline or dismissal imposed on the basis of unsatisfactory job performance, including grossly inefficient job performance.
   2. Discipline or dismissal imposed on the basis of unacceptable personal conduct.

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

D. The imposition of any disciplinary action shall comply with the procedural requirements of this Section for equity and consistency during the disciplinary process with all employees.

E. All disciplinary actions must be managed through Human Resources and will be presented, reviewed and adjudicated through the Assistant County Manager. If the disciplinary action is determined to be serious either in circumstance or level, usually beginning at the suspension level, the County Attorney may become involved. The County Manager will arbitrate the grievance process of those disciplinary actions that are appealed.

Section 2. Dismissal for Unsatisfactory Performance of Duties

A. Unsatisfactory job performance is work-related performance that fails to satisfactorily meet job requirements as specified in the relevant class description or position description, work plan or as directed by the management of the work unit or agency.

B. Unsatisfactory performance of duties, depending upon the circumstances, includes, but is not limited to:
   1. Quality of work
   2. Quantity of work
   3. Work habits
   4. Promptness
   5. Timely performance of work related analysis, decisions, or judgment
   6. Accuracy of work
   7. Ability to follow instructions, directions, or procedures
   8. Appropriateness of work performed

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

D. In order to be dismissed for a current incident of unsatisfactory job performance, an employee must first receive at least one (1) prior disciplinary action. The prior disciplinary action must notify the employee that failure to make the required performance improvements may result in dismissal. Written warnings must contain performance

improvement plans up to sixty (60) days in duration designed to assist the employee in attaining acceptable job performance.
Employees subject to the State Personnel Act must receive at least two (2) prior written disciplinary actions. The second written disciplinary action must notify the employee that failure to make the required performance improvements may result in dismissal.

E. Prior to the decision to dismiss an employee, the Assistant County Manager or his/her designee, the Department Head or his designee, or the Agency Director for personnel subject to the State Personnel Act or his designee, must conduct a pre-disciplinary conference with the employee in accordance with the procedural requirements of this Article.

F. An employee who is dismissed must receive written notice of the specific reasons for the dismissal as well as notice of any applicable appeal rights. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights and must be filed within fifteen (15) days.

Section 3. Dismissal for Grossly Inefficient Job Performance

A. Gross Inefficiency (Gross Inefficient Job Performance) occurs in instances in which the employee fails to perform job requirements satisfactorily as specified in the job description, work plans, or as directed by the management of the work unit or the County and that failure results in:
    1. The creation of the potential for death or serious harm to a client(s), an employee(s), members of the public or to a person(s) over whom the employee has responsibility; or
    2. The loss of or damage to any County property or funds that result in a serious impact on the County and/or department.

B. Actions that could rise to the level of gross inefficient job performance, depending upon the circumstances, include, but are not limited to:
    1. Careless, negligent, or improper use of County vehicles and equipment
    2. Negligence in the performance of duties
    3. Negligence in the performance of duties outside the scope of employment
    4. Physical or mental incapacity to perform essential job duties with reasonable accommodation
    5. Discourteous treatment of the public or other employees
    6. Absence without approved leave, habitual pattern of failure to report for duty at the assigned time and place or habitual improper use of leave privileges

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

B. Prior to dismissal of a non-probationary employee on the basis of grossly inefficient job performance, there shall be a pre-disciplinary conference between the employee and the Department Head or the Agency Director of personnel subject to the State Personnel Act held in accordance with Section 8. Procedural Requirements.

C. Dismissals for grossly inefficient job performance require written notification to the employee. Such notification must include specific reasons for the dismissal and notice of the employee's right of appeal. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights and must be filed within fifteen (15) days.

D. Elected officials are exempt from this section. DSS and Health Department are subject to this section except where it is in conflict with the State Personnel Act. Separate authority governs the Elections Director and staff.

Section 4. Dismissal for Personal Conduct

Employees may be disciplined up to and including dismissal for a current incident of unacceptable personal conduct without prior warning or disciplinary action having been given to the employee if the offense is of such a grievous nature as determined by the Department Head.

A. Unacceptable Personal Conduct includes, but is not limited to:
   1. Conduct for which no reasonable person should expect to receive prior warning;
   2. Job related conduct which constitutes a violation of state or federal law;
   3. Conviction or a plea of "no contest" of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the County;
   4. Misappropriation of County funds or property; or causing misappropriation of County funds or property;
   5. Falsification of County records;
   6. Reporting to work under the influence of alcohol or illegal drugs or partaking of alcohol or illegal drugs while on duty or while on public property, except that prescribed medication may be taken within the limits set by the physician so long as medically necessary and not disruptive to the employee's performance of job duties;
   7. Willful damage or destruction of County property, or acts that would endanger the lives and property of others;
   8. Acceptance of gifts in exchange for "favors" or "influence";
   9. The willful violation of known or written work rules or policies;
   10. Conduct unbecoming an employee that is detrimental to the County's service
   11. The abuse of client(s), patient(s), student(s) or a person(s) over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned or in the custody of the County;
   12. Fraud in securing appointment, falsification of an employment application or other employment documentation or failure to disclose relevant work history;
   13. Failure to maintain credentials;
   14. Insubordination which is the willful failure or refusal to carry out a reasonable order from an authorized supervisor. Insubordination is considered unacceptable personal conduct for which any level of discipline, including dismissal, may be imposed without prior warning;
   15. Absence from work after all authorized leave credits and benefits have been exhausted;
   16. Failure to pay County taxes or other county issued bills, such as Health Department fees, EMS fees, etc.

B. Prior to dismissal of a non-probationary County employee on the basis of unacceptable personal conduct, there shall be a pre-disciplinary conference between the employee and the Department Head or Agency Director for personnel subject to the State Personnel Act. This conference shall be held in accordance with the provisions of Section 8. Procedural Requirements.

C. Dismissals for unacceptable personal conduct require written notification to the employee. Such notification must include specific reasons for the dismissal and notice of the employee's right of appeal. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights and must be filed within fifteen (15) days.

D. Elected officials are exempt from this section. DSS and Health Department are subject to this section except where it is in conflict with the State Personnel Act. Separate authority governs the Elections Director and staff.

Section 5. Written Warning

The supervisor shall monitor and promote the satisfactory performance of work assignments and acceptable standards of conduct. All types of performance-related job inadequacies or unacceptable personal conduct may constitute unsatisfactory job performance under this policy.

A. Unacceptable personal conduct may be work-related or non-work-related conduct and may be intentional or unintentional. When the supervisor determines that disciplinary action is appropriate for unsatisfactory job performance, a written warning is the first type of disciplinary action that an employee must receive. The supervisor may elect to issue a written warning for grossly inefficient job performance or unacceptable personal conduct. Written warnings will remain active in the employee's official personnel file for a period of eighteen (18) months. The written warning must:
    1. Inform the employee that this is a written warning and not some other non-disciplinary process such as counseling;
    2. Inform the employee of the specific issues that are the basis for the warning;
    3. Tell the employee what specific improvements, if applicable, must be made to address these specific issues;
    4. Tell the employee the time frame allowed for making the required improvements/corrections. Absent a specified time frame, sixty (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.
    5. Tell the employee the consequences of failing to make the required improvements/corrections.
    6. A second written warning shall include a statement, "that failure to make the required improvements may result in further disciplinary action, up to and including termination."
    7. All written warnings must be signed by the employee, supervisor and/or Department Head, dated and filed with Human Resources. A copy of the Written Warning must be given to the employee.

B. Written warnings may be issued to correct behavior for minor infractions or repeated violations of policy, procedure, or work rules, including conduct, depending on the severity of the incident. Written warnings are not grievable.

C. A written warning must be issued in accordance with Section 8. Procedural Requirements.

Section 6. Disciplinary Suspension Without Pay

An employee may be suspended without pay for disciplinary purposes for unsatisfactory job performance after the receipt of at least one (1) prior disciplinary action or for causes relating to any form of unacceptable personal conduct or grossly inefficient job performance.

A. A disciplinary suspension without pay for an employee (non-exempt) who is subject to the overtime compensation provisions of the Fair Labor Standards Act (FLSA) must be for at least one (1) full work day, but not more than two (2) workweeks.

B. Suspensions without pay of an exempt employee may be made for suspensions of one or more full days imposed in good faith for disciplinary reasons for infractions of workplace conduct rules such as rules prohibiting sexual harassment, workplace violence or drug or alcohol use or for violations of state or federal law. Serious misconduct, infractions of safety rules of major significance related to the prevention of serious danger in the workplace or to other employees are also reasons for suspension without pay for exempt employees.

C. Prior to placing any employee on disciplinary suspension without pay, the Department

Head shall conduct a pre-disciplinary conference with the employee in accordance with the Section 8. Procedural Requirements and address the following:

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

D. An employee who has been suspended without pay must be furnished a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension and the employee's appeal rights.

Section 7. Demotion

The Department Head has the discretion, upon review and in consultation with the Human Resources Director and Assistant County Manager, to retain an employee in a lesser capacity when the employee's performance or conduct is sufficient to satisfy grounds for dismissal but the employee shows promise of acceptable performance or conduct in a lesser position.

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

B. **Unsatisfactory Job Performance.** An employee may be demoted for unsatisfactory job performance after the employee has received at least one (1) prior disciplinary action.

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

D. **Personal Conduct.** An employee may be demoted for unacceptable personal conduct without any prior disciplinary action.

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

F. Disciplinary demotions may be accomplished in three (3) ways:

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

G. Prior to the decision to demote an employee for disciplinary reasons, the Department Head must conduct a pre-disciplinary conference with the employee in accordance with Section 8. Procedural Requirements.

Section 8. Procedural Requirements

Department Heads shall consult with the Human Resources Director, the Assistant County Manager and the County Attorney regarding matters where suspensions without pay, demotion or

dismissals are considered for all employees except temporary or substitute employees.

In accordance with NCAC 13P.0403, an exception to this policy is the Emergency Services Medical Director has administrative rule ability to reduce certification levels and practice abilities, therefore effecting demotions on Emergency Services personnel.

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

A. **Fact Finding.** Prior to taking any formal disciplinary action, the supervisor shall conduct a fact-finding inquiry to gather any and all pertinent details regarding the situation. The supervisor will then discuss the facts of the case with the Department Head. The Department Head will review the information and then shall discuss the facts of the case with the Human Resources Director, Assistant County Manager and County Attorney.

B. **Written Warning.** To issue a written warning to an employee, the supervisor must issue the employee a written warning detailing the matters referenced in Section 5. Written Warning.

C. **Disciplinary Suspension without Pay.** To place an employee on disciplinary suspension without pay, the Department Head or Agency Director for personnel subject to the State Personnel Act must meet with the Human Resources Director and the Assistant County Manager or his designee and must comply with the following procedural requirements:
    1. In matters of unsatisfactory job performance, ensure that the employee has received at least one (1) prior disciplinary action(s). In matters of grossly inefficient job performance or unacceptable personal conduct no prior disciplinary actions are required, so an employee may be suspended without pay for a current incident of grossly inefficient job performance or unacceptable personal conduct;
    2. Schedule and conduct a pre-disciplinary conference. Advance oral or written notice of the conference must be given to the employee of the time, location, and the issue for which discipline has been recommended. The amount of advance notice should be as much as is practical under the circumstances;
    3. Furnish the employee a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension;
    4. Advise the employee of any applicable appeal rights in the document affecting the suspension. A department shall furnish to an employee, as an attachment to the written documentation of a grievable disciplinary action as defined in Article XI. Grievance Process, a copy of the County grievance policy. A non-probationary employee shall have fifteen (15) calendar days from the date of receipt of written notice of such action to file an appeal.

D. **Demotion.** To disciplinary demote an employee the Department Head or Agency Director for personnel subject to the State Personnel Act must meet with the Human Resources Director and Assistant County Manager or his designee and must comply with the following procedural requirements:
    1. In matters of unsatisfactory job performance, ensure that the employee has received at least one (1) prior disciplinary action;
    2. In matters of grossly inefficient job performance or unacceptable personal conduct, there is no requirement for previous disciplinary action, so an employee may be demoted for a current incident of grossly inefficient job performance or unacceptable personal conduct without any prior disciplinary action;
    3. Give advance oral or written notice of the appropriate pre-disciplinary conference to the employee of the time, location, and the issue for which discipline has been recommended. The amount of advance notice should be as much as is practical under the circumstances.
    4. Give an employee who is demoted written notice of the specific acts or omissions

that are the reasons for the demotion;

5. Advise the employee of how and to what extent the demotion will affect the employee's salary rate or pay grade; and
6. Advise the employee of any applicable appeal rights in the document affecting the demotion. A department shall furnish to an employee, as an attachment to the written documentation of a grievable disciplinary action as defined in Article XI. Grievance Process, a copy of the County grievance policy. A non-probationary employee shall have fifteen (15) calendar days from the date of receipt of written notice of such action to file an appeal.

E. **Dismissal.** Before an employee may be dismissed, the Department Head or Agency Director for personnel subject to the State Personnel Act, must meet with the Human Resources Director and the Assistant County Manager or his designee and must comply with the following procedural requirements:

1. The supervisor and/or Department Head recommending dismissal shall discuss the recommendation with the Human Resources Director, Assistant County Manager, County Attorney or the Agency Director for personnel subject to the State Personnel Act, who shall conduct a pre-disciplinary conference with the employee. The person conducting the pre-disciplinary conference must have the authority to decide what, if any, disciplinary action should be imposed on the employee.
2. The supervisor or designated management representative shall schedule a pre-disciplinary conference with the employee.
3. Advance written notice of the pre-disciplinary conference must be given to the employee of the time, location, and the issue for which dismissal has been recommended. The amount of advance notice should be as much as is practical under the circumstances.
4. The Department Head shall conduct a pre-disciplinary conference with the employee, limiting attendance to the employee, the employee's supervisor, and a second management representative may be present at the Department Head's discretion. The purpose of the pre-disciplinary conference is to review the recommendation for dismissal with the affected employee and to listen to and to consider any information put forth by the employee in order to insure that a dismissal decision is sound and not based on misinformation or mistake. Security personnel may be present when, in the discretion of the person conducting the conference, a need for security exists. No attorneys representing either side may attend the conference.
5. In the conference, the Department Head shall give the employee oral or written notice of the recommendation for dismissal, including specific reasons for the proposed dismissal and a summary of the information supporting that recommendation. The employee shall have an opportunity to respond to the proposed dismissal action and to offer information or arguments in support of the employee's position. Every effort shall be made to ensure that the employee has a full opportunity during the conference to set forth any available information in opposition to the recommendation to dismiss. This opportunity does not include the option to present witnesses.
6. Following the conference, the Department Head shall review and consider the response of the employee and reach a decision on the proposed recommendation. If the decision is to dismiss the employee, a written letter of dismissal containing the specific reasons for dismissal, the effective date of the dismissal and the employee's appeal rights shall be issued to the employee in person or by certified mail, return receipt requested, to the last known address of the employee. A department shall furnish to an employee, as an attachment to the written documentation of a grievable disciplinary action as defined in Article XI. Grievance Process, a copy of the County grievance policy. A non-probationary employee shall have fifteen (15) calendar days from the date letter mailed to file an appeal. If

the letter is unclaimed and returned undeliverable, the letter shall be considered delivered on the 6th day after being placed in the mail with proper postage.

7. To minimize the risk of dismissal upon erroneous information, and to allow time following the conference for management to review all necessary information, the decision to dismiss should not be communicated to the employee in accordance with this subparagraph prior to the beginning of the next business day following the conclusion of the pre-disciplinary conference.
8. The effective date of a dismissal for unsatisfactory job performance shall be determined by the Department Head. The effective date of the dismissal shall not be earlier than the letter of dismissal nor more than fourteen (14) calendar days after the notice of dismissal.

Section 9. Recording Hearings

In accordance with N.C. G.S. § 15A-287, North Carolina Wiretapping Law is a "one-party consent" law. North Carolina makes it a crime to intercept or record any "wire, oral, or electronic communication" unless one party to the conversation consents. The County may at its discretion record a pre-disciplinary, disciplinary or appeal hearing. Participants will be informed if a hearing is being recorded and the County will give the employee the option of getting a copy of the recording.

Section 10. Time Limits for Active Warnings/Disciplinary Actions

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

A. The Department Head or supervisor notes in the employee's personnel file that the reason for the disciplinary action has been resolved or corrected; or
B. Eighteen (18) months have passed since the disciplinary action; the employee does not have another active disciplinary action which occurred within the last eighteen (18) months and the department has not, prior to the expiration of the eighteen (18) month period, issued to the employee written notice, including reasons, of the extension of the period.

Section 11. Placement on Investigation

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

A. To investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action;
B. To provide time within which to schedule and conduct a pre-disciplinary conference; or
C. To avoid disruption of the workplace and/or to protect the safety of persons or property.

Section 12. Delegation of Authority

Immediate supervisors are responsible for initial documentation. The Assistant County Manager, or the Agency Director for personnel subject to the State Personnel Act, may delegate authority to Department Heads or a designee, within the Assistant County Manager's, or the Agency Director's realm of supervision, for the execution of disciplinary actions, up to and including dismissal. The affected employee has the option to appeal any disciplinary action to the County Manager, or the

Agency Director, for the purpose of affirming, modifying, or reversing the disciplinary action as appropriate, based upon the facts and evidence in each case. The County Manager, or the Agency Director, retains final authority for appeals decisions and will consider any facts presented by the employee and the supervisor or Department Head during the appeals process.

Section 13. Employee Responsibilities

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

Section 14. Supervisor Responsibilities

It is the responsibility of all supervisors to address immediately and resolve as quickly as possible situations in which employees do not perform or behave in a manner consistent with, but not limited to, the County's work philosophies, job expectations, known work rules, and employment policies. Supervisors are responsible for documenting incidents where employee behavior, conduct and performance are not consistent with the County's work philosophies, job expectations, and employment policies as well as the efforts made to take corrective action.

Section 15. Department Head/Supervisor Responsibilities

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

A. A clear description of the behavior that prompted the discipline
B. The action taken by the supervisor
C. How the employee's behavior must change
D. The time frame during which the employee must demonstrate a change in behavior
E. The expectation that the new behavior must be sustained.

Department Heads, in conjunction with the Human Resources Director, Assistant County Manager, and County Attorney are also responsible for ensuring that the County applies discipline on a consistent basis in accordance with County policy.

Section 16. Corrective Action – Written Warning

When the supervisor first observes or learns of unsatisfactory conduct and/or job performance deficiencies, or if an employee's performance evaluation indicates the need for improvement or that the employee's performance is below standards, the supervisor will meet with the employee to discuss the situation and County expectations, and to identify the corrective action to be taken by the employee. The supervisor shall document this meeting in writing.

If problems of unsatisfactory conduct and/or job performance continue, the supervisor shall develop a Performance Improvement Plan (PIP), which outlines the method to assist the employee in improving conduct or performance that is not meeting standards and provides special direction intended to help an employee achieve and sustain satisfactory conduct and/or performance.

A Performance Improvement Plan (PIP), will normally cover a sixty (60) day period but not to exceed ninety (90) days, and must state the process, timeframe, instructions and measurement standard to determine if conduct or performance has improved and meets County expectations. Performance Improvement Plans must be signed by the employee, supervisor and/or Department Head, dated and filed with Human Resources. A copy of the Performance Improvement Plan must be given to the employee.

If the employee successfully fulfills the conditions of the Performance Improvement Plan, the supervisor will submit written documentation to the Department Head and Human Resources.

The supervisor will also provide written documentation to the Department Head and Human Resources if the employee does not meet the requirements outlined in the Performance Improvement Plan in the specified time period or if conduct and/or performance deteriorate while the Performance Improvement Plan is in effect. When these situations occur, supervisors may proceed with disciplinary action as outlined in this Article.

Section 17. Employee Appeal

A non-probationary employee wishing to appeal a demotion, suspension or dismissal may present the matter in accordance with the provisions of the grievance procedure set forth in Article XI – Grievance Process.

Employees of the Sheriff and Register of Deeds serve at the will of those officials and therefore those elected Department Heads may or may not choose to follow the policies and procedures of this Article. The Sheriff and Register of Deeds shall have the right to hire and terminate employees in their respective departments under the authority of N.C.G.S. 153A-103.

ARTICLE X – SEPARATION FROM EMPLOYMENT

Section 1. Types of Separation

Separation from County service occurs when the employee leaves employment with the county for reasons listed below.

A. **Resignation**: A minimum of a two (2) week written notice is expected of all resigning employees. Such notice should be given to the employee's immediate supervisor, to be forwarded to the Department Head and Human Resources. In the case of Department Heads, the resignation should be given to the County Manager. Once notice has been given, employees are not eligible for leave unless approved by the Department Head. Any sick leave requested must be substantiated by a doctor's note. The separating employee shall contact Human Resources as soon as notice is given to schedule an exit interview and discuss benefit closures.

B. **Voluntary Resignation without Notice.** An employee who is absent from work and does not contact the employer for three (3) consecutive scheduled workdays may be separated from employment as a voluntary resignation without notice. This provision also applies when the employee is absent for at least three (3) consecutive scheduled workdays, has been instructed verbally or in writing of a specific manner of reporting by management, and does not report to the appropriate supervisory personnel on a regular basis satisfactory to the appropriate supervisory personnel.

C. **Separation Due to Unavailability.** An employee may be separated on the basis of unavailability when the employee becomes or remains unavailable for work after all applicable leave credits have been exhausted and the County does not grant or extend a leave without pay. At least two (2) weeks prior to separation, the County will notify the employee in writing of the proposed separation, the efforts taken to avoid separation, and why the efforts were unsuccessful. The employee may propose an alternative arrangement for the County's consideration at least one (1) week before the separation goes into effect. The County may, at its sole discretion, agree to any suggested alternative arrangement or termination of the employee.

D. **Retirement:** An employee may retire when he or she is eligible and applies for retirement benefits from the North Carolina Local Government Employees Retirement System or Law Enforcement Officers Retirement System. In compliance with the Age Discrimination in Employment Act amendment (29 U.S.C. 621-634) there shall be no mandatory retirement age for employees except in positions where bona fide occupational qualification exists.

E. **Disability.** Employees may be separated for disability when they cannot perform the required duties due to a physical or mental impairment. Action may be initiated by the employee or the County; but in all cases it must be supported by medical evidence, as certified by a competent physician. The County may require an examination at its expense and performed by a physician of its choice. Before any employee is separated for disability, a reasonable effort shall be made to provide a reasonable accommodation as recommended by the employee's physician after review of the job description or locate alternative positions within the County's service for which the employee may be suited.

F. **Reduction-in-Force.** An employee may be reduced in force and separated from County service for reasons of a shortage of funds or work, elimination of a position, reorganization, or other changes in duties. Retention of employees in classes affected shall be based on systematic consideration of job performance, type of employment, and length of service. Employees who are separated from the County because of a reduction-in-force will be given at least thirty (30) days written notice of the anticipated separation. No regular or permanent employee will be separated while there are temporary, substitute, probationary, or trainee employees serving in the same job class in the County, unless the regular or permanent employee is not willing to transfer to the same position held by such employees, or the regular or permanent employee does not have the knowledge, credentials or skills

required to perform the work of the alternate position, or cannot obtain the knowledge, credentials or skills within a reasonable period of orientation and training.

G. **Dismissal.** Dismissal is an involuntary separation for cause in accordance with Article IX - Disciplinary Actions. Employees who are involuntarily terminated will be paid through their termination date.

H. **Death.** Payment for unpaid salary and reimbursement for travel or other County expenses will be made, upon establishment of a valid claim, to the deceased employee's administrator or executor.

Upon separation from a county position, the employee shall return **IMMEDIATELY** to his/her supervisor or department head, his/ her identification badge, all county property and keys issued to the employee during their service. Salary deductions will be made from the employee's final pay check if county property and items are not received or upon the time sheet audit, discrepancies are discovered in accordance with FLSA regulations. Separation due to unavailability or dismissal may be grieved or appealed in accordance with Article XI - Grievance Process.

Section 2. Reduction in Force (RIF)

Reduction in force (RIF) is the involuntary separation of an employee that may result from changes in programs, abolishment of a position, cutbacks in funding, reorganization or decreased workload. Affected employees may be considered for continued employment in other areas of county government or, for state employees, in compliance with state law. No substantive or procedural due process rights will accrue to employees by implementation of this policy or a RIF plan.

Separation of employees through reduction in force should not occur until management has considered available alternatives to avoid such action. The County Manager, Department Head, and Human Resources Director, in anticipation of a reduction in force (RIF), may work in concert with regard to all RIF actions.

A reduction in force requires a thorough evaluation of the accomplishments of specific programs and the need for particular positions so that the County can provide the highest level of service possible with a reduced work force.

The guidelines for a reduction in force plan should include (not necessarily in order of priority):

1. Client service requirements
2. Legal mandates for programs
3. Impact of overall program objectives
4. Possible redistribution of available resources
5. Organization structure
6. Funding sources and budget guidelines
7. Composition of the work force
8. Economy and efficiency in service
9. Determination of the number of positions which must be deleted to meet the established goal.
10. The feasibility of eliminating entire programs or parts of programs.
11. Identification of areas where the number of positions must be reduced or eliminated.
12. Identification of the classification of positions to be eliminated to determine whether personnel can be placed in other work areas.

Before reduction, attention should be given to using vacant positions to utilize employees who qualify for those positions who would otherwise be separated.

The area of RIF may include all or any part of County government; a department, a division, or any organizational or program sub-unit of a department or division [including a current County position classification title(s) within these organizational units].

The plan should include the name, classification title, years of service and a skills/education/work history inventory of all affected employees in the area of the RIF. The plan should also include any positions which on the date of the RIF are not filled or being advertised within the same class or department which is affected by the reduction in force. The plan may also include a description of:

- Options for placement within the Department
- Options to be explored with Human Resources for placement with the County organization.
- Options for placement with an outside agency or firm

All non-status employees (i.e., substitute/temporary/probationary/trainee) in the area of RIF may be separated from County employment prior to the effective date of the RIF; these employees are not part of the reduction in force.

The separation of an employee under the terms of a time-limited appointment is not a RIF separation.

Procedural irregularities will not invalidate a RIF.

Employees under the North Carolina employment system who are the subject of RIF will be processed in accordance with state law. For such employees, where state law conflicts with any provisions of this policy, state law will control.

The County Manager shall have final, immediate, and continuing authority to implement the Reduction in Force Plan.

--Alternate County Employment Outside the Area of the RIF

Although the County cannot guarantee placement for employees whose positions are affected by a RIF, the County will attempt to locate alternate County employment for affected employees who file a written request for alternate County employment with their department head or designee within five (5) working days of receipt of the notification of RIF. Under those circumstances, the County will attempt to locate an alternate position for the employee within the same department. If no alternate position is available in the same department, the County will attempt to locate an alternate position in other departments of County government for a period not to exceed thirty days from the date of the RIF.

When a vacant position exists in the same salary grade or a lower salary grade as the position from which the employee is being laid off and the employee meets the minimum training, education and experience, certification and licensure requirements for that position, that employee may be considered for placement into that position at the discretion of the County.

The County reserves the right to request that the employee compete against all other eligible applicants for the position. The employee may be required to meet the applicant testing/examination requirements to be considered for positions. Department Heads may also consider the employee's current job performance.

If an employee who has been separated due to reduction in force or who has been given notice of imminent separation due to reduction in force accepts or rejects an offer for a position of employment that is equal to or higher than the position held or equal to or higher than the salary earned by the employee at the time of separation or notification, than the employee's acceptance or rejection of that offer shall satisfy and terminate the one-time 12 month priority placement and the employees will not be eligible for any severance option offered as part of the RIF. (Reference Article V – The Play Plan, Section 8. Pay Rates for Promotions, Demotions, Voluntary Reassignments, Reclassifications and Interim Appointments).

Employees who accept alternate County employment in lieu of lay-off will be required to serve a six-month probationary period. (Reference Article II – Employment, Section 9. Probationary Period of Employment) If alternate County employment is not offered to an employee within thirty (30) calendar days of the RIF notification, the employee will be laid off and may be eligible for any severance option offered as part of the RIF.

Salary and Salary Grade Retention

A reduction-in-force applicant who:

Accepts a position at the same salary grade (or equivalency) shall be paid at the same salary rate as that paid at the time of notification of separation by reduction-in-force;

Accepts a position at a lower salary grade (or equivalency) than that held at the time of notification shall be paid at the same rate as the rate paid to the employee at the time of notification unless the salary rate exceeds the maximum of the new grade. When the salary rate exceeds the maximum of the lower salary grade, the employee's new salary rate shall be reduced to the maximum of the new lower salary grade.

Issuing Notice to Employees Affected by the RIF

Each employee identified for RIF shall, at least thirty (30) days prior to the effective date of the action, be given a written notice of the date of the RIF, the reason(s) for the RIF, and options regarding alternate employment. In lieu of two weeks' notice, the employee may receive two (2) weeks' pay at the discretion of the County Manager.

An employee on leave with pay or leave without pay shall be separated on the effective date of the reduction in force, the same as other employees. This includes employees who are on leave without pay, FMLA or receiving workers' compensation.

If the employee falls under the State Personnel Act, each employee must receive a minimum of thirty (30) calendar day's official written notification.

Reduction-In-Force Appeal (Employees Under the State Employment System)

Appeal rights for employees under the State Employment System will be processed in accordance with state law. No appeal rights shall apply with regard to non-state employees.

Severance Pay Option

A regular, salaried employee with a full-time equivalency of 50% or greater who has lost his/her position with the County as a result of a reduction in force may be eligible for the severance pay option. An eligible employee who elects to receive severance pay under this option:

- Must agree to not bring, continue or maintain any grievances, administrative appeals, or legal proceedings relating to his/her employment against Duplin County Government or the State of North Carolina, its officers, and employees;

- Will not be eligible for re-employment with Duplin County Government for the number of weeks calculated in the severance payout, unless repayment is made in advance of re-employment for any severance received in excess of the period of actual separation from the County.

An eligible employee who agrees to the terms and conditions of the severance pay option will receive a lump sum payment equal to 60 hours for every full year of salaried service with Duplin County as of the date of separation, up to a maximum payment equal to 480 hours. No employee shall receive less than 160 hours of severance.

Continuation of Employee Benefits

Employee benefits will end the month following thirty (30) days since the employee separated from the County. Affected employees will be eligible to elect COBRA in accordance with Article X – Employee Benefits, Section 1 – Health and Dental Care benefits for any COBRA-eligible benefits. Additionally, the County may elect to continue to pay the premium for full-time employee health insurance (without dependents) until the employee finds employment elsewhere or up to 6 months from the date of RIF notification, whichever occurs sooner through COBRA.

The following employees will not be eligible for severance:

- Any employee who declines an offer of comparable employment by the County prior to his/her date of separation.
- Any employee who is in a time-limited/grant-funded/contract position.
- Temporary, substitute or probationary employee

Severance salary is not subject to employee/employer retirement contributions.

An employee receiving severance salary may not be entitled to receive unemployment compensation for the equivalent period of time upon which his/her severance pay was calculated. Once this period of time has expired, the employee may be eligible for unemployment insurance as provided by law.

Retiring Employees

An employee who after receiving official written notice of impending reduction in force, retires or applies for retirement prior to the separation date waives the right to severance salary.

Recall/Reinstatement from a Reduction-in-Force (RIF) (Employees Under the State Employment System)

Recall-Reinstatement of employees under the State Employment System will be processed in accordance with state law.

ARTICLE XI – GRIEVANCE PROCESS

Section 1. Policy and Purpose

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

Section 2. Definition

A grievance is a written complaint or dispute concerning the interpretation or application of County policies, procedures, or practices affecting County working conditions. A grievance may involve alleged safety or health hazards; unsatisfactory physical facilities, surroundings, materials or equipment; unfair or discriminatory supervisory or disciplinary practices, misapplication of department work rules, or any other grievance relating to conditions of employment.

A. All regular or permanent employees shall have the right to grieve the following:
   1. Disciplinary actions such as dismissals, disciplinary demotions, and suspension without pay;
   2. Allegations of illegal acts of the employer, in the case of alleged acts of discrimination of age, sex, race, genetic information, religion or color, the burden of proof are the responsibility of the employee.

B. Certain management decisions are not grievable. These decisions involve management discretion and are therefore not subject to the grievance process. Examples of management decisions that are not subject to this grievance process are as follows:
   1. Any condition of employment accepted at the time of employment and/or subsequent change(s) thereto;
   2. determining the employee benefit package;
   3. determining the proper classification and pay;
   4. determining types of training;
   5. scheduling and distribution of personnel;
   6. determining methods, means, and personnel to carry out operations;
   7. hiring, promotion or failure to be promoted, transfer, non-disciplinary demotion and assignment decisions
   8. placement on investigation status (paid)
   9. decisions that maintain the effectiveness and efficiency of governmental operations
   10. pay for performance increases
   11. FLSA determination
   12. At-will status
   13. FMLA

C. An initial probationary employee as set forth in Article II – Employment, Section 12. Probationary Period of Employment may be dismissed at any time during the probationary period for causes relating to the performance of duty or personal conduct without right of appeal or hearing.

Section 3. Procedure

Unless specifically provided for in another part of the personnel policies, this grievance procedure will be used for any complaints or disputes arising from these policies. When an employee has a claim or complaint concerning employment with the County, the successive steps described below are to be taken toward resolution of the matter. For employees of the Sheriff's Department or Register of Deeds Office, there shall be no appeal beyond the decision of the Sheriff or Register of Deeds.

The number of days indicated at each step of the grievance procedure should be considered as the maximum number of working days allowed for presentation of and response to the grievance at that level. However, when mutually agreed upon, time limits given below may be extended by those concerned. Failure on the part of the employee to satisfy the time limitations provided in this Article shall cause the grievance to be denied or dismissed.

Employees who use this procedure will be free from discrimination, coercion, restraint or reprisal. Employees may file grievances or appeal decisions using the procedures listed below. Employees shall be allowed a one (1) hour paid absence from regular duties for preparing a grievance. An employee shall have the right of legal counsel at the employee's expense. Advisory services pertaining to procedures and regulations are available from the Human Resources Director and may be used by the employee, the supervisor or Department Head to settle grievances and complaints at any level.

In order that all employees may be able to obtain further consideration of their problems, it is essential that two-way communication occur, and the supervisor shall make every effort to resolve the problem or correct the misunderstanding prior to the grievance procedure being initiated.

A. **General Requirements.**
   1. All grievances and appeals must be submitted in writing with appropriate documentation and supporting evidence attached.
   2. The County official who will conduct the grievance hearing shall contact the employee to set the date, place and time for an oral presentation of the grievance within five business (5) days of the receipt of a written grievance.
   3. All steps of the grievance process must be completed by 5:00 PM on the deadline date.
   4. The County official shall make every possible effort to achieve an equitable solution to the problem at this meeting but may take additional time to conduct fact-finding.
   5. In no event shall the County official delay rendering a decision more than five (5) calendar days after the grievance conference without the consent of the employee.

B. **Documentation.**
   1. All grievance, complaint and appeal determinations must be issued to the employee in writing. Such decision shall contain the employee's and the County official's statement and the County official's conclusions. The written decision shall also contain notice of further appeal rights and shall identify the County official responsible for hearing a continuation of the grievance if necessary.
   2. Copies of all grievances, determinations, appeals and supporting documentation must be forwarded to Human Resources for inclusion in the employee's personnel file in conformance with State public records laws.

C. **Levels of Appeal and Timeframes.**

Grievance or Complaint Type	County Employees NOT Subject to the State Personnel Act (N.C.G.S. 126)	County Employees Subject to the State Personnel Act (N.C.G.S. 126/ 25 NCAC 01I.2310 Appeals)
Demotion, Suspension, or Dismissal, Reduction-in-Force	**APPEAL TO COUNTY MANAGER:** County employees who have been demoted, suspended, dismissed or reassigned due to a reduction in force, or dismissed shall have fifteen (15) calendar days from the date of receipt of written notice of such action to file an initial appeal with the County Manager. **APPEAL TO DUPLIN COUNTY BOARD OF COMMISSIONERS*:** County Department Heads who have been demoted, suspended, dismissed or reassigned due to a reduction in force, or dismissed shall have fifteen (15) calendar days from the date of receipt of written notice of such action to file an initial appeal with the Duplin County Board of Commissioners. The County Manager or the Duplin County Board of Commissioners will issue a final decision to the grievance within five (5) working days of receipt.	**APPEAL TO APPOINTING AUTHORITY:** An employee with permanent status who has been demoted, suspended or dismissed shall have fifteen (15) calendar days from the date of receipt of written notice of such action to file an appeal with his/her agency. The director of the agency will respond to an initial appeal and issue a preliminary decision within five (5) working days of receipt of the appeal. **APPEAL OF AGENCY FINAL DECISION:** Any appeal to the agency's final decision must be filed in accordance with G.S. 150B-23 within thirty (30) calendar days of receipt of the final agency decision.
Discriminatory Actions	**APPEAL TO DEPARTMENT HEAD:** County employees who allege discriminatory actions shall have fifteen (15) calendar days from the date of occurrence to file an initial grievance with the Department Head. **FINAL DECISION BY COUNTY MANAGER OR THE DUPLIN COUNTY BOARD OF COMMISSIONERS*:** If the employee is not satisfied with the Department Head's final decision or is unable to obtain a final decision within a reasonable length of time, he/she may file their written grievance with the County Manager not later than thirty (30) days after receipt of the final decision.	An employee who alleges discriminatory actions shall have thirty (30) calendar days from the date of occurrence to file a grievance. The agency must be given sixty (60) calendar days in which to take remedial action, if any, unless the agency has waived the sixty (60) day period, and the employee has acknowledged such waiver. **APPEAL OF AGENCY FINAL DECISION:** Any appeal to the agency's final decision must be filed in accordance with G.S. 150B-23 with the Office of Administrative Hearings within thirty (30) calendar days of receipt of notice of the alleged discriminatory act. Allegations of discrimination, if raised more than 30 calendar days after the party alleging discrimination became aware or should have became aware of the alleged discrimination must be dismissed.

Grievance or Complaint Type	County Employees NOT Subject to the State Personnel Act (N.C.G.S. 126)	County Employees Subject to the State Personnel Act (N.C.G.S. 126/ 25 NCAC 01I.2310 Appeals)
	If a Department Head is alleging discriminatory actions, he/she may file their written grievance with the Duplin County Board of Commissioners. The County Manager or the Duplin County Board of Commissioners will issue a final decision to the grievance within five (5) working days of receipt.	
Unlawful Workplace Harassment or Sexual Harassment	**INITIAL GRIEVANCE FILED WITH DEPARTMENT HEAD:** An employee who alleges discriminatory actions shall follow the complaints procedure outlined in **Article III – Conduct and Ethics, Section 9 – Unlawful Workplace Harassment.** **FINAL DECISION BY COUNTY MANAGER OR THE DUPLIN COUNTY BOARD OF COMMISSIONERS*:** If the employee is not satisfied with the Department Head's final decision or is unable to obtain a final decision within a reasonable length of time, he/she may file their written grievance with the County Manager not later than thirty (30) days after receipt of the final decision. If a Department Head is alleging harassment, he/she may file their written grievance with the Duplin County Board of Commissioners. The County Manager or Duplin County Board of Commissioners will issue a final decision to the grievance within five (5) working days of receipt.	**GRIEVANCE FILED WITH APPOINTING AUTHORITY:** Grievances which allege unlawful workplace harassment must be submitted in writing to agency management, within thirty (30) calendar days of the alleged harassing action, and the agency must be given sixty (60) calendar days in which to take remedial action, if any, unless the agency has waived the sixty (60) day period, and the employee has acknowledged such waiver. An appeal of unlawful workplace harassment must be filed with the Office of Administrative hearings in accordance with G.S. 150B-23 and within 30 calendar days of written notification of the remedial action, if any, taken by the agency. Grievances alleging unlawful workplace harassment raised more than 30 calendar days after written notification of remedial action, if any, taken by the agency must be dismissed.
General Complaints and Grievances not otherwise described above	**(1) IMMEDIATE SUPERVISOR:** Each employee is encouraged to discuss problems or grievances with their immediate supervisor. If the concern is not resolved within five (5) working days, the employee may request a conference to discuss the problem or grievance with the division manager (if no division manager level exist, proceed to #3).	**(1) IMMEDIATE SUPERVISOR:** Each employee is encouraged to discuss problems or grievances with their immediate supervisor. If the concern is not resolved within five (5) working days, the employee may request a conference to discuss the problem or grievance with the division manager (if no division manager level exist, proceed to #3).

Grievance or Complaint Type	County Employees NOT Subject to the State Personnel Act (N.C.G.S. 126)	County Employees Subject to the State Personnel Act (N.C.G.S. 126/ 25 NCAC 01I.2310 Appeals)
	(2) DIVISION MANAGER: If the problem or grievance is not resolved within five (5) working days after the conference, the employee may request a conference with the Department Head.	**(2) DIVISION MANAGER:** If the problem or grievance is not resolved within five (5) working days after the conference, the employee may request a conference with the Agency Director.
	(3) DEPARTMENT HEAD: The Department Head shall hear the problem or grievance, gather necessary information, evaluate the problem or grievance and alternate solutions and render a decision no later than five (5) working days after the conference. If the problem or grievance is not resolved, the employee may request a meeting with the County Manager.	**(3) Agency Director:** The Agency Director shall hear the problem or grievance, gather necessary information, evaluate the problem or grievance and alternate solutions and render a decision no later than five (5) working days after the conference receipt. If the problem or grievance is not resolved, the employee may request a meeting with the Agency's Board.
	(4) COUNTY MANAGER: If the employee is not satisfied with the Department Head's final decision or is unable to obtain a final decision within a reasonable length of time, he/she may file their written grievance with the County Manager not later than five (5) working days after receipt of the final decision. The County Manager may choose to meet and/or issue a final decision to the grievance within five (5) working days of receipt of the grievance and/or meeting.	**(4) APPOINTING AUTHORITY:** The appointing authority shall hear the problem or grievance, gather necessary information, evaluate the problem or grievance and alternate solutions and render a preliminary decision within five (5) working days of receipt of the appeal.

*If a Duplin County Board of Commissioner is related either by blood or marriage to a Department Head that has submitted an appeal through the grievance process, the Board Member must abstain from participating in the grievance process or rendering a decision on the appeal.

ARTICLE XII – EMPLOYEE RECORDS AND REPORTS

Section 1. Employee Records Maintenance

The personnel records custodian shall be the County Manager, whose responsibility it is to maintain a personnel file for each County employee. The County Manager may designate an individual or individuals to act as Records Custodian. Human Resources shall serve as Records Custodian and shall maintain the proper records and documentation of personnel records as required by law. These records provide information needed to administer employee payroll and benefits; to comply with federal, state, and local laws and regulations; and to document employee performance. Other departments may keep some relevant personnel records.

Human Resources will maintain employee files in accordance with North Carolina General Statute 121-5, which governs the retention of public records. Employees are responsible for supplying Human Resources with up-to-date information including home address, telephone number, change in marital status, change in the status of dependents, change in visa or citizenship status, and change in military reserve status.

Section 2. Access to Employee Records.

Access to employee records is governed by North Carolina General Statutes 153A-98 and 160A-168, which allows any person to have access to public information as defined in this section for the purpose of inspection, examination, and copying during the County's regular business hours, subject only to such rules and regulations for the safekeeping of public records as the County Board of Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

A. **Public Information.** The following information on each County employee is public information:
   1. Name
   2. Age
   3. Date of original employment or appointment to the county service
   4. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the county has the written contract or a record of the oral contract in its possession
   5. Current position
   6. Title
   7. Current salary
   8. Date and amount of each increase or decrease in salary with that county
   9. Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with that county
   10. Date and general description of the reasons for each promotion with that county
   11. Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the county. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the county setting forth the specific acts or omissions that are the basis of the dismissal
   12. The office to which the employee is currently assigned

B. **Access Process.** Access to such information shall be made by written application to the Records Custodian and is governed by the following provisions:
   1. N.C.G.S. 132-6 Inspection and Examination of Records.
   2. Except for all authorized County officials requiring access to employment files to process personnel actions, all disclosures of records will be accounted for by

keeping a written record of the following information: name of employee; information disclosed; date information was requested; name and address of the person to whom the disclosure is made; and purpose for which information is requested. This information must be retained for a period of two (2) years.

3. The record of disclosure will be made available upon request to the employee to whom such record pertains.
4. Any individual examining a personnel record may obtain copies of the information identified above.
5. An employee may sign a notarized written letter of consent authorizing release of confidential information to prospective employers, educational institutions or other specified persons or agencies.
6. If the Records Custodian determines the request for information is for public information, the custodian shall provide such public information within five (5) working days.

Section 3. Confidential Information

A. All information contained in the County employee's personnel file, other than the information listed in Section 2 of this Article will be maintained as confidential in accordance with the requirements of North Carolina General Statute 153A-98 and will be open to inspection only in the following instances:

1. The employee or a duly authorized agent may examine all portions of his personnel file, except (1) letters of reference solicited prior to employment; and, (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
2. A licensed physician designated in writing by the employee may examine the employee's medical record.
3. A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
4. By order of a court of competent jurisdiction, any person may examine such portion of the employee's personnel file as may be ordered by the court.
5. An official of an agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of the personnel records to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability. However, such official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
6. An employee may sign a written notarized release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
7. The County Manager, with concurrence of the County Board of Commissioners, may inform any person of the employment or non-employment, promotion, reassignment, demotion, suspension, or other disciplinary reasons for that personnel action. Before releasing the information, the County Manager will determine in writing that the release complies with applicable laws and is essential to maintaining the public trust and confidence in the administration of services or to maintain the level and quality of County services. This written determination shall be retained in the office of the clerk, and is a record available for public inspection and will become part of the employee's personnel file.
8. Even if considered part of an employee’s file, the following information may be withheld from an employee:
    a. Testing or examination material used solely to determine qualification when disclosure would compromise testing procedures.

b. Investigative reports concerning possible criminal actions against the employee until the investigation is completed.
c. Information that might identify undercover officers or informers.
d. Notes, preliminary drafts, and internal communications unless used for official personnel decisions.

B. Only individuals contemplated by G.S. 153A-98 as referenced in this section shall have standing to receive confidential personnel information. Such requests shall be made in writing by the individual having standing and shall be made on a standard Duplin County Disclosure of Confidential Information form, such form must contain the signature of the requesting party. The requesting party shall not disclose such confidential information. The custodian shall provide such information within five (5) working days.
C. Any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, may be judged guilty of a misdemeanor and upon conviction be fined in an amount not to exceed $500 pursuant to G.S. 153A-98(e).

Section 4. Records of Former Employees

The provisions for access to records are applicable to both current and former employees.

Section 5. Records of Applicants

Applications and other information gathered with respect to an applicant will be kept confidential in accordance with North Carolina General Statutes G.S. 153A-98. The County will not release this information without written permission from the applicant.

Section 6. Remedies of Employees Objecting to Material in File

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

Section 7. References

Only the County Manager, a Department Head, Human Resources Director, or designee will provide employment references on current or former County employees. In accordance with North Carolina General Statute Chapter 132, certain employment data is open to the public. NC GS 1-539.12. Immunity from civil liability for employers disclosing information provides “an employer who discloses information about a current or former employee’s job history or job performance to a prospective employer of the current or former employee, upon request of the prospective employer or upon request of the current or former employee is immune from civil liability and is not liable in civil damages for the disclosure or any consequences of the disclosure.” However, the county will typically attempt to get a signed release by the former or current employee prior to providing a reference.

Section 8. Destruction of Records

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

Section 9. Penalty for Permitting Access to Confidential Files by Unauthorized Persons

G.S. 153A-98 provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred dollars ($500.00).

Section 10. Penalty for Examining and/or Copying Confidential Material Without Authorization

G.S. 153A-98 provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined at the discretion of the court but not in excess of five hundred dollars ($500.00).

ARTICLE XIV – IMPLEMENTATION OF POLICIES

Section 1. Conflicting Policies Repealed

All prior policies, ordinances, or resolutions that conflict with the provisions of this personnel policy manual are hereby repealed.

Section 2. Severability

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

Section 3. Adoption by Resolution and Effective Date

These policies shall be adopted by resolution by the Duplin County Board of Commissioners. The effective date of these policies will be designated in the adopted resolution.

Section 4. Administrative Modifications to Comply with Federal or State Changes in Labor and Employment Laws and Regulations

The County Manager may amend provisions of the Duplin County Employee Personnel Policies manual where modification is necessary to remain in compliance with federal or state laws and regulations. All other modifications shall be made by resolution of the Duplin County Board of Commissioners.

Duplin County Employee Personnel Policies Acknowledgment

By signing below, I acknowledge that I have received, read, and understand the County's Employee Personnel Policies. I understand that the Employee Personnel Policies are provided to me for general guidance and are not an exhaustive statement of County policies.

In addition, I understand that the Employee Personnel Policies do not constitute a contract of employment and that the County may change, revoke, interpret, or add to any of these policies at any time at its sole discretion without prior notice. I understand that the County is an at-will employer and retains the right to terminate my employment at any time for any reason not prohibited by law. Employees subject to the State Personnel Act are exempt from the at- will classification upon completion of their prescribed probationary period.

Finally, I understand that any amendment of the Employee Personnel Policies will always govern and supersede any prior version. I also understand that if I have questions or concerns regarding my terms of employment or working conditions with the County, I should contact my supervisor, Department Head or Human Resources.

Employee
Signature:_____

Date:_____

NOTE: THIS PAGE, AFTER BEING PROPERLY ENDORSED, IS TO BE DETACHED AND BECOMES A PART OF THE EMPLOYEE'S PERSONNEL FILE