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## **ARTICLE I. Organization of Personnel System**

### **Section 1. Purpose**

The purpose of this policy is to establish a personnel system which will recruit, select, develop and maintain an effective and responsible work force. This policy is established under the authority of Chapter 153A-Article 5 and Chapter 126 of the General Statutes of North Carolina.

With the adoption of this Employee Personnel Ordinance, the Alleghany 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 Alleghany 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 Alleghany 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 Alleghany County Board of Commissioners will be communicated promptly to all employees.

### **Section 2. Coverage**

- (a) All employees in the County's service shall be subject to this policy except as provided in this section.
- (b) The following officials and employees are exempt:
  - (1) Elected Officials;
  - (2) The County Manager;
  - (3) Appointed Board Members (Elections, DSS, etc.)
  - (4) County Attorneys; and
  - (5) Employees of the County Board of Education.
- (c) The following employees shall be covered only by the specifically designated Articles and Sections:
  - (1) employees governed by the State Personnel Act shall be subject to Article I; Article III; Article IV; Article V; Article VI; Article VII, Article VIII; Article IX; Article X; and Article XI;
  - (2) employees of the North Carolina Cooperative Extension Service shall be subject to Article V, Sections 1 and 12 and Article VI Sections 1, 2, 21; [Article VI Section 21 applies only to secretaries and technicians] (Amended March 4, 2002)
  - (3) the supervisor of elections shall be subject to Article II and III; Article IV, Sections 1-7; Articles V and VI; Article VII, Sections 2, 4, 5, 6, 13 and 15; Article IX; Article X and Article XI;



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- (4) employees of Emergency Medical Services, Law Enforcement and Transfer Facility shall be subject to Articles I, II, III, IV, V, VI Sections 3-33, VII, VIII, IX, X and XI;
- (5) temporary employees as designated by the Board of Commissioners shall be subject to Article I; Article III, Section 9; Article IV, Sections 1-9; Article V; Article VI, Section 21; Article VIII, Section 5; Article X and Article XI.

Section 3. Definitions

The following words and phrases shall have the following meanings. Any terms which are not specifically defined shall have their common meaning, giving due regard to the context in which they are used.

**Competitive Service Employee.** An employee of a local social service department, public health department, mental health center or local office of civil preparedness receiving federal grant-in-aid funds.

**Part-time employee.** An employee whose position requires an average work week of 29 hours or less who has successfully completed the designated probationary period.

**Permanent Full-time employee.** An employee whose position requires an average work week of 40 or more hours and who has successfully completed the designated probationary period.

**Probationary employee.** An employee hired to a full or part-time position who has not yet completed the designated probationary period.

**Temporary employee.** An employee hired to a position expected to last for less than 12 months.

**Trainee.** An employee who has been hired or promoted to a new position, who does not yet meet all of the requirements for the position. While a “trainee,” an employee is on probationary status.

**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.

**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.

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**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.

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

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

**Adverse Action.** A demotion, dismissal, reduction in pay, layoff, or an undesirable transfer or suspension.

Section 4. Merit Principle

All appointments, promotions and other personnel transactions shall be made solely on the basis of merit, fitness and ability.

Section 5. Responsibility of Board of Commissioners

The Board of Commissioners shall establish personnel policies and rules, including the classification and pay plan, and shall make and confirm appointments when so specified by law.

Section 6. Responsibility of County Manager

The County Manager shall be responsible to the Board of Commissioners for the administration of the personnel program. The County Manager shall appoint, suspend and remove all county officers and employees except those elected by the people or whose appointment is otherwise provided by the law. The County Manager shall make appointments, dismissals and suspensions in accordance with 153A-82 of the General Statutes of the State of North Carolina and Articles IV, VII, and VIII of this personnel administration policy.

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.

The County Manager shall:

- (a) recommend rules and revisions of the personnel system to the Board of Commissioners for consideration;

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- (b) recommend revisions to the position classification plan to the Board of Commissioners for approval;
- (c) prepare and recommend revisions to the pay plan to the Board of Commissioners for approval;
- (d) determine which employees shall be subject to the overtime provisions as provided for in Article III, Section 9;
- (e) establish and maintain a roster of all employees in the County service, setting forth each officer and employee, class title of position, salary, any changes in class title and status, and such data as may be deemed desirable or useful;
- (f) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County;
- (g) develop and coordinate training and educational programs for County employees;
- (h) investigate periodically the operation and effect of the personnel provisions of this policy and at least annually report findings and recommendations to the Board of Commissioners; and
- (i) perform such other duties as may be assigned by the Board of Commissioners not inconsistent with this policy.

## **ARTICLE II. THE CLASSIFICATION PLAN**

### **Section 1. Adoption**

The position classification plan adopted annually by the Board of Commissioners shall be the position classification plan for the County.

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

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

### **Section 3. Administration of the Position Classification Plan**

The County Manager shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the County Manager (1) the need for new position, and (2) material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions.

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

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

### **Section 4. Amendment of Position Classification Plan**

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

## **ARTICLE III. THE PAY PLAN**

### **Section 1. Adoption**

The schedule of salary ranges and class titles approved annually by the Board of Commissioners is hereby adopted as the pay plan for Alleghany County.

### **Section 2. Maintenance of the Pay Plan**

The County Manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the County, and other factors. To this end, the County Manager shall from time to time make comparative studies of all factors affecting the level of salary ranges and shall recommend to the Board of Commissioners such changes in salary ranges as appear to warranted.

### **Section 3. Use of Salary Ranges**

Salary ranges are intended to permit the recognition of individual performance. The following general provisions shall govern the granting of within-range pay increments:

- (a) The hiring rate, which is the minimum rate on the pay grade and classification scale, is established for each class as the annually approved hiring rate.
- (b) After the successful completion of the probationary period, the department head or supervisor will submit a Personnel Action Form to Human Resources confirming the employee has advanced to a permanent status. Each year, the County Manager may require department heads to consider the eligibility of employees to receive merit pay adjustments. Department heads shall consider all factors affecting employee performance and shall submit their recommendations in writing, giving their reasons whether to advance the employee or retain him/her at the same rate. All such advancements and retentions must be approved by the County Manager.

### **Section 4. Payment at a Listed Rate**

All employees covered by the salary plan shall be paid at a listed rate within the salary ranges established for their respective job classes except for employees in a training status, or employees whose present salaries are above the established maximum rate following transition to a new pay plan.

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Section 5. 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 the hiring rate in the pay plan established for the position. An employee will remain a training position until the department head certifies that the trainee is qualified to assume the full responsibilities of the position and the County Manager approves the certification. The department head shall review the progress of each employee in a trainee status every six (6) months or more frequently as necessary to determine when the trainee is qualified to assume the full responsibilities of the position. A trainee is always considered a probationary employee.

Section 6. Pay Rates in Promotion, Demotion, Transfer and Reclassification

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

- a) An employee who is promoted shall advance to the established hiring (minimum) rate for the new position and after successful completion of a probationary period become a permanent employee.
- b) An employee who is demoted shall have his salary left the same or reduced to any step in the lower range.
- c) An employee transferring from a position in one job classification to a position in another classification, may remain at the same salary if amount does not to exceed \$2,000 or 5% of their salary.
- d) An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase to the minimum rate of the new pay range. If this position is reclassified to a lower pay the employee's salary shall remain the same.

Section 7. Pay Rates in Salary Range Revisions

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

- (a) When a class of positions is assigned to a higher pay range, employees in that class shall receive an increase to the hiring rate
- (b) When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged.

Section 8. Pay for Part-Time Work

The pay plan established by this policy is for full-time service. An employee appointed for less than full-time service will be paid a pro-rated amount determined by converting the established salary for the position to an hourly rate.

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Section 9. Overtime

To the extent that local governments are so required, the County shall comply with the Fair Labor Standards Act (FLSA). The County Manager, with concurrence from the Board of Commissioners, shall determine which jobs are “non-exempt” and therefore subject to the Act in areas such as hours of work, overtime compensation, and other provisions.

Overtime work shall be that work performed by an employee which exceeds the number of hours set forth in this policy as constituting the established workweek for the employee’s position.

Overtime opportunities will be distributed as equally as practicable among employees in the same job class, department and shift regardless of age, sex, race, color, creed, religion, national origin, political affiliation or physical handicap.

Employees required to work overtime may be compensated with time off on an hour-for-hour **and a half basis** or paid for such at a **premium** hourly rate for overtime hours worked provided that:

- (a) the work is of an unusual, unscheduled or emergency nature and is directed by the department head or the authorized representative of the department head;
- (b) the position does not involve administrative, professional or managerial work, **considered exempt under the FLSA, and therefore** excluded from these overtime provisions by the County Manager;
- (c) compensatory time off shall be granted whenever feasible upon agreement between the County and the employee and will be **partially** paid to an employee when the comp time reaches 240 hours. Upon reaching 240 hours, the employee will be paid 100 hours to reduce comp time to a reasonable and manageable amount. All compensatory time shall be used prior to sick or annual leave.
- (d) in determining eligibility for overtime, only hours actually worked shall be considered; annual, sick leave or holidays shall not be included in the computation of hours worked for FLSA purposes.

**Emergency Medical Service overtime will be calculated on a fluctuating work week schedule which complies with the Fair Labor Standards Act. This overtime schedule only pertains to the Emergency Medical Service Employees.**

Section 10. Call Back Pay

Employee’s Responsibility to Respond to Call-Back. Because the County provides some continuous twenty-four hour a day, seven day a week services to its citizens, it may be necessary for an employee to report for duty at any hour of the day or night. An employee must accept his or her share of the responsibility for continuous service,

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in accordance with the nature of each job position. If an employee fails or refuses to report for duty when requested, the employee shall be subject to disciplinary action up to and including dismissal.

Minimum Compensation for Call-Back. **Non-exempt employees will** be guaranteed a minimum payment of **two** hour's wages for being called back to work outside of normal working hours. However, this minimum does not apply to previously scheduled overtime work.

State of Emergency. When the Governor declares a State of emergency, overtime will be paid at straight-time to FLSA exempt employees when the following conditions occur:

1. A gubernatorial declaration of state of emergency,
2. Requirement by management for employees to work overtime for purposes of response and/or recovery during the emergency, and
3. Funds are available. The County Manager shall determine if funds are available to cover the overtime payments. The County shall distribute any overtime pay consistently with a pre-defined standard that treats all employees equitably.

#### Section 11. Longevity Pay

In order to promote stability and continuity in the work force, Alleghany County has established a yearly bonus to be paid to each permanent employee in July of each year based on the number of years of service to the County, continuous or non-continuous. A permanent employee will qualify for this annual bonus after completing one-year of service as of July 1 of each year. The bonus amount issued to each qualifying permanent employee will be .5 percent per year of service of that employee's prior fiscal year salary. If an employee has received a disciplinary action of any kind during the previous twelve months, the department head will submit in writing to the County Manager and the HR Officer by June 30 that corrective action has been accomplished and the employee is in good standing with job performance and duties to receive that year's longevity pay.

Exceptions to eligibility:

- A) Employees shall not be eligible to receive longevity pay if their employment ends with the County prior to the issuance of longevity pay in July.
- B) Employee will not be eligible to receive a longevity award in July when the employee has not physically worked more than half of their work schedule in the previous fiscal year due to disability and / or leave without pay provision of this policy.



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For full-time employees hired after July 1, 2019, continuous service will be required to receive full credit for years of service when longevity is paid out in July of each year. The only exception to this will be re-employment with Alleghany County within six months of termination and a request in writing to the County Manager and HR Officer for the non-continuous service to be added to the total years of service.

Section 12. Payroll Deductions

Any payroll deductions specifically mandated or authorized by Federal or State act shall be deducted at each pay period from each employee's pay as well as any other deduction authorized by the employee.

Section 13. Payroll Procedures

Pay periods begin on Tuesday at 12:00 AM and end on Monday at 11:59 PM, two weeks later. Paychecks are issued the first Thursday after the pay period ends after 2 PM in the Finance Office. All full-time and regularly scheduled part-time employees are required to participate in direct deposit as a condition of their employment.

## **ARTICLE IV. RECRUITMENT AND EMPLOYMENT**

### **Section 1. Statement of Equal Employment Opportunity Policy**

It is the policy of Alleghany County to foster, maintain, and promote equal employment opportunity. The County shall select employees on the basis of applicants' qualifications for the job and shall give equal opportunity for employment and compensation, including opportunities for training, advancement, and promotion without regard to age, sex, race, color, creed, religion, political affiliation, sexual orientation, gender identity, citizenship, marital status, veteran's status, disability, genetic information or any other personal characteristic protected by law. Applicants with disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of duties.

### **Section 2. Implementation of EEO Policy**

All personnel responsible for recruitment and employment shall implement this personnel policy through procedures that will assure equal employment opportunities based on reasonable performance-related job requirements. Notices with regard to equal employment matters shall be posted in conspicuous places on County government premises in places where notices are customarily posted.

### **Section 3. Recruitment**

When positions are to be filled within the County, department heads shall notify the Human Resource Officer/County Manager concerning the number and classification of positions which are to be filled. The HR Officer shall publicize these opportunities for employment including applicable salary ranges, employment qualifications and benefits. Information on job openings and hiring practices shall be provided to recruitment sources including organizations and news media available to minority applicants. In addition, notice of vacancies may be posted at designated conspicuous sites within departments. The HR Officer may also make available to the department heads for consideration current applications on file with the county. Individuals shall be recruited from a geographic area as wide as necessary to insure well qualified applicants are obtained for County service.

### **Section 4. Job Advertisements**

Employment advertisements shall contain assurances of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters plus all pre-employment requirements.

### **Section 5. Applications for Employment**

All persons expressing interest in employment with the County shall be given the opportunity to file an application for employment with the HR Officer. Applications will be made available in the Finance/HR Office and the Alleghany County website on the Human Resources Page.

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Section 6. Application Reserve File

Upon applying, each applicant shall be informed of the availability of current job openings. Applicants shall be kept in a reserve file for a period of one (1) year, in accordance with Equal Employment Opportunity Commission guidelines. To the extent that it is practical, reference to these files may be made periodically in connection with the County's employment requirements to ensure equal consideration is given to all applicants.

Section 7. Qualification Standards

- (a) Employees shall meet the employment standards established by the position classification plan and such other reasonable minimum standards of character, aptitude, ability to meet the public and physical condition be as defined for the job class as established by the department head in consultation with the HR Officer.
- (b) Qualifications shall be reviewed periodically to assure that requirements are fair and conform to the actual job performance requirements.
- (c) The County may employ an applicant in a trainee capacity who does not meet all minimum qualifications for a particular job if the deficiencies can be eliminated through orientation and on-the-job training. 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 8. Selection

Department heads in coordination with HR Officer, shall make such investigations and conduct such examinations as deemed appropriate to assess fairly the aptitude, education and experience, knowledge and skills, character, physical fitness and other qualifications required for positions in the service of the County. All selection devices administered by the County or by persons or agencies for the County shall be valid measures of job performance.

In filling vacancies, every effort should be made to promote qualified employees from within before outside replacement is considered without publicly opening the position so long as all other provisions of this policy are met.

Section 9. Offers of Employment

All offers of employment are conditional and shall only become final after pre-employment background/DMV checks and required alcohol and/or controlled substance testing are successfully verified by the HR Officer for job duty requirements. Failure to submit to either examination or check, or a positive alcohol or controlled substance screening shall be considered a withdrawal by the applicant of his or her application.

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After all pre-employment checks are verified and HR Officer/Department Head have investigated all required qualifications of specific job opening, the County Manager shall approve or reject the appointment, except that of the Sheriff and the Register of Deeds. 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 of nearer kinship than that of first cousin or of a person who has been convicted of a crime involving moral turpitude.

Section 10. County Residence

For certain job positions where the employee on occasion is designated as being on a call back status, it may be required that the employee reside within Alleghany County.

Section 11. Probationary Period of Employment

Any employee hired, demoted, promoted, or transferred to a new position must serve a minimum probationary period of six months from the date of hire. Such a probationary period may be extended for such additional period(s) as determined by the Department Head, in accordance with the following provisions.

An employee in their probationary period status may be dismissed at any time without cause during this period.

Before completion of the probationary period, all department heads except the Sheriff and Register of Deeds shall indicate in writing to the HR Officer/County Manager:

- (a) that the employee's supervisor has discussed the new employee's progress (accomplishments, strengths, and weaknesses) with the new employee;
- (b) whether the new employee is performing satisfactory work;
- (c) whether the probationary period should be extended; and
- (d) whether the employee should be retained in the present position or should be released, transferred or demoted.

A written evaluation of the employee's probationary period completion or extension shall be submitted to the HR Officer to be included in the employee's personnel file for as a permanent record. No employee shall remain on probation for more than one (1) year.

Section 12. Performance Evaluation

Supervisors and/or department heads may conduct a Performance Evaluation conference with each employee on an annual basis. These performance evaluations shall be documented in writing, with a copy placed in the employee's personnel file.

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Section 13. Promotion

- (a) Candidates for promotion shall be chosen on the basis of their qualifications and their work records—without regard to age, sex, race, color, creed, religion, political affiliation, national origin sexual orientation, gender identity, citizenship, marital status, veteran’s status, disability, genetic information or any other personal characteristic protected by law. Performance appraisals and work records for all personnel meeting minimum qualifications for the position shall be carefully examined when openings for positions in higher classifications occur.
- (b) Vacancies in positions shall be filled as far as practicable by the promotion of employees in the service of the County.
- (c) If a current County employee is chosen for promotion, the Department Head shall forward the employee’s name to the HR Officer with reasons for such promotion for selecting the employee over other applicants. After considering the Department Head’s comments, the HR Officer shall make a recommendation to the County Manager regarding the appointment.
- (d) In the Sheriff’s Department and Register of Deeds Office, the respective department head will forward the employee’s name to the HR Officer/County Manager with recommendations.

**All promotions are subject to the same pre-employment requirements as a new position.**

Section 14. Demotion

Any employee whose work in his present position is unsatisfactory or whose personal conduct is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by the warning procedures outline in Article VII, Section 8.

Representative causes for demotion because of failure in work performance and failure in personal conduct are listed in Article VII, Section 8 and 9.

If the demotion is for failure in performance of duties or failure in personal conduct, the employee shall be provided with written notice citing the recommended effective date and reasons for demotion and appeal rights available to the employee in Article VIII.

An employee who wishes to accept a position with less complex duties and responsibilities may be demoted for reasons other than unsatisfactory performance of duties or failure in personal conduct.

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Section 15. Transfer

If a current County employee is chosen for a transfer to another department, the Department Head shall forward the employee's name to the HR Officer with reasons for such transfer. After considering the Department Head's comments, the HR Officer shall make a recommendation to the County Manager regarding the transfer.

Any employee transferred without requesting the transfer may appeal the action in accordance with the grievance procedure outlined in Article VIII.

## **ARTICLE V. CONDITIONS OF EMPLOYMENT**

### **Section 1. Confidential Matters**

Upon employment with Alleghany County and as a condition of continuing employment, the County requires that all employees (including temporary employees) agree to protect the confidential affairs of the County. Disclosure of confidential information is prohibited and may result in disciplinary action up to and including immediate discharge. Unauthorized disclosure of another employee's payroll or medical information may lead to action up to and including termination of employee(s) involved. The County policy is not to discuss payroll, personnel or related issues with spouses of employees. Any inquiries should be made directly by the employee.

Alleghany County demands that no employee should discuss any information about the County affairs to anyone other than County employees that are authorized to receive such information.

### **Section 2. Workweek**

Full-time employees normally work five (5) eight (8) hour days per workweek and are subject to the overtime provisions set forth in Article III, Section 9. Employees in administrative, professional, or managerial positions shall work the number of hours necessary to ensure the satisfactory performance of their duties. Emergency Medical Services and Law Enforcement workweeks vary from the normal workweek. Deputies and jailers will normally work 86 hours per a two-week period. Dispatchers will normally work 80 hours per a two-week period. EMS employees work 24-hour shifts, but the workweek is based on 80 hours per two-week period.

When the activities of a particular department require some other schedule to meet work needs, the County Manager may authorize a deviation from the normal schedule.

Any alternate work schedules from the basic work week as described above, will be approved by the County Manager on a department-to-department basis.

### **Section 3. Gifts and Favors**

- (a) No official or employee of the County shall accept any gift, whether in the form of service, loan, thing or promise from any person who to the employee's knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the County.
- (b) No official or employee shall accept any gift or thing of value in excess of \$50, or favor that may tend to influence that employee in the discharge of duties, or as a "thank you" for your service or job well done.
- (c) No official or employee shall grant in the discharge of duties any improper favor, service, or thing of value.

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Nominal gifts that are provided to a department or group of County employees, such as lunch, 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.

**Section 4.** Code of Conduct/Hatch Act Policy

No employee, officer or agent of the County shall participate in the, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer, or agent or any member of his or her immediate family, his or her partner or an organization which employs or is about to employ the above mentioned, has a financial interest in the firm selected for award.

**Section 5.** Political Activity Restricted

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States of America. However, no employee shall (1) engage in any political or partisan activity while on duty; (2) use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; (3) be required as a duty of employment or as a condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes; (4) coerce or compel contributions for political or partisan purposes by another employee of the County; or (5) use any supplies or equipment of the County for political or partisan purposes.

Competitive service employees and employees in certain federally aided programs are subject to the Hatch Act as amended in 1975. This federal act, in addition to prohibiting (2), (3), and (4) above, also prohibits candidacy for elective office in a partisan election. Any violation of this section shall subject such employee to dismissal or other disciplinary action.

**Section 6.** Outside Employment

The work of the County shall take precedence over all other occupational interests of employees. Before accepting outside employment, each employee must report all outside employment for salary, wages, or commission, and all self-employment, in advance to the employee's supervisor, who in turn must report it to the department head. The department head will review such employment for possible conflicts of interest and decide whether to approve the outside employment. All outside employment requires written approval by the dept head and the County Manager. Failure to obtain prior approval is a violation of policy.



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The approval will be retained in the employee's permanent personnel file. If approved, outside work shall not interfere with the employee's regular work schedule and performance, nor will such work be done on County time. If attendance or work performance is determined to be compromised by outside employment, approval for outside employment may be withdrawn. Time requested off for any outside employment will be limited to 10 (ten) working days in one month, consecutive or non-consecutive, and 20 (twenty) total days for a calendar year.

Outside employment will not be approved if it involves an actual conflict of interest, a potential conflict of interest, or the appearance of a conflict of interest. Outside employment will not be approved if it might cast the County in a negative light. Impermissible conflicts include, but are not limited to:

- a. working for an employer who is in conflict with the County or could likely come into conflict with the County;
- b. working in a position that creates potential liability against the County;
- c. working in a capacity which could affect the decisions of the employee in the normal course of his or her duties, or the decisions of other County employees in the conduct of their duties, or which gives the appearance of such influence.

Engaging in conflicting or **unreported** outside employment shall subject the employee to disciplinary action up to and including dismissal.

**Section 7.** Limitation of Employment of Relatives

The employment of relatives can cause various problems including but not limited to charges of favoritism, conflicts of interest or perceived conflicts of interest, family discord and scheduling conflicts that may work to the disadvantage of both the employer and employees.

- (a) Members of an immediate family shall not be employed at the same time if such employment would result in an employee directly or indirectly supervising a member of the immediate family.
- (b) This policy shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to the adoption of this policy.
- (c) Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, niece or nephew plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

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

Failure to advise the County of the existence of one of these circumstances may result in a withdrawal of an offer of employment or discharge from employment.

**Section 8.** Possession of Firearms While on Duty

No employee of the County, except those specifically authorized by the County Manager and properly credentialed to carry a firearm, shall carry firearms while on duty for the County.

**Section 9.** Americans with Disabilities Act

Alleghany County is an equal opportunity employer and seeks to maintain full compliance with the Americans with Disabilities Act. The County makes reasonable accommodations available for any known physical or mental limitations of an otherwise qualified applicant or employee. The disabled applicant or employee is responsible for informing the County Manager of the necessary accommodations required as a result of the person's disability. The County will work to accommodate the needs of disabled employees in the work environment whenever possible, until such accommodation constitutes an excessive financial burden on Alleghany County.

**Section 10.** Safety

Safety is the responsibility of both the County and employees of the County. It is the policy of the County to provide for an ongoing program that assures a safe, healthy work environment for all employees, and complies with all occupational safety laws and regulations. To that end, each Department Head shall be responsible for:

- (a) providing safe work procedures and environments; encouraging employees to report unsafe work conditions and submit safety suggestions;
- (b) informing and training employees of policies and procedures required in the Alleghany County Workplace Safety Program at the time of hire
- (c) make recommendations to the County Manager on means in which the County can further promote workplace safety.

Likewise, each County employee shall be responsible for:

- (a) reading, understanding and acknowledging receipt of Alleghany County Workplace Safety Program at hire
- (b) taking proper care of safety equipment;

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- (c) wearing proper clothing and safety gear;
- (d) knowing the location and use of fire extinguishers, the location of fire exits, and the quickest means of reporting a fire;
- (e) promptly reporting all accidents and injuries;
- (f) notifying their supervisor/Department Heads of what are believed to be unsafe practices and working conditions.

**Section 11. Alcohol and Controlled Substance Testing**

It is the policy of Alleghany County that the workplace shall be free of the presence of alcoholic beverages or illegal drugs and that employees shall perform their job assignments safely, efficiently, and without the adverse influence of alcohol or controlled substances.

Alleghany County has established the Alleghany County Substance Abuse Policy. The policy is designed to encourage employees to use legal drugs responsibly, and to prohibit the use of alcohol and/or controlled substances. The policy is in full compliance with the Drug-Free Workplace Act of 1988. All eligible employees will become knowledgeable about the Substance Abuse Policy and its contents at the time of hire.

**Section 12. Harassment**

The County will not tolerate any form of employment discrimination or harassment in any form and prohibits conduct which illegally discriminates or harasses on the basis of age, sex, race, color, religion, national origin, disability, or any other reason prohibited by law.

Illegal discrimination or harassment may take a variety of forms, and supervisory personnel and department heads should, if they have any doubt about whether particular conduct constitutes illegal discrimination or harassment, therefore err in favor of reporting such conduct to the Human Resources Officer and/or the County Manager. Any manager who is or becomes aware of any form of workplace harassment must immediately report it to the Human Resources Officer or the County Manager.

By way of example, sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Other examples of harassment include displaying or using objects or pictures which adversely reflect on a person's age, race, sex, religion, color, national origin, or disability, or

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use of language, which is offensive due to a person's age, race, sex, religion, color, national origin, or disability.

Any employee asserting illegal discrimination or harassment may report it to his or her supervisor following standard grievance procedures or file a complaint directly with the HR Officer or the County Manager. It is crucial that employees report any harassment or discrimination to which they are subjected or of which they become aware. While the County is committed to a workplace free of harassment and discrimination, the County cannot ensure such a workplace unless employees do their part to report misconduct.

The County Manager, through the HR Officer, shall investigate any allegation of illegal discrimination or harassment and take whatever action he or she deems appropriate and necessary, up to and including dismissal of any employee engaging in illegal harassment and of any supervisor failing to properly report such conduct.

The County prohibits retaliation of any kind against an employee who reports discrimination or harassment or participates in an investigation of such reports. Violations of this policy are a serious violation and will be subject to disciplinary action, up to and including discharge.

### **Section 13. Professional Image Standard**

This policy establishes guidelines for the appearance of County employees in the performance of their duties and in conducting business for the County. It ensures all County employees project and maintain a positive public image. There are certain expected norms of professional appearance, personal neatness, cleanliness, and good grooming which are applicable to all County employees.

**County employees are expected to represent the County in an exemplary manner both in conduct and appearance. County employees should be well-groomed and dressed in a manner suitable for public service with an identifying name badge, and in attire that allows the employee to work comfortably in the workplace.**

While the County observes a business casual dress environment, there may be situations requiring more formal attire. If you are conducting or attending a meeting, seminar, conference, etc., where you come in contact with other business professionals or customers, you are expected to represent the County in a professional manner and dress appropriately. This also applies when such events occur on "Casual Fridays". Departments, units, or divisions of Alleghany County may establish more specific guidelines consistent with this Professional Image Standard.

#### **Minimum Guidelines**

- All clothing should be neat, clean, and in good condition in keeping with the nature of the duties performed.
- Any clothing with words, terms or pictures that may be offensive to other employees is unacceptable. Clothing that promotes alcoholic beverages, tobacco, controlled substances, violence, or is of a sexual or political nature is inappropriate.

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- Casual shirts, dress shirts, sleeveless sweaters and shirts, golf-type/polo shirts and turtlenecks; suit jackets and sport jackets.
- Walking shoes, tennis shoes, loafers, clogs, boots, flats, and dress heels. Open toe shoes (including sandals) will be acceptable if determined safe for job duties by the department head or supervisor.
- County employees in departments that require uniforms must adhere to the uniform code of dress appropriate for that department.
  - a) All EMS employees will be allowed to wear Breast Cancer Awareness T-shirts as part of their official uniform for the month of October each year

### **Examples of Inappropriate Business Dress**

- Denim jeans, unless approved for a specific event or job task, or Casual Fridays; must be without holes or fraying, with finished seams.
- Sweatshirts/pants, athletic outfits, jogging suits, wind suits, exercise pants, or likeness in clothing style
- Shorts, unless approved for a specific event or job task (no shorter than 3 inches above the knee); short shorts and cutoffs, skorts, tight skirts or miniskirts.
- Leggings are not considered pants and should be accompanied by a top/sweater that covers the midsection of the body.
- Any clothing that is sheer when not accompanied by other clothing underneath.
- Clothing that is revealing such that either the midriff, chest, cleavage, across the shoulders, or back is exposed.
- Dresses, shirts, or tops with inappropriate cutouts, excessive armpit cutouts.
- Tank tops, spaghetti straps, halter, tube tops or tops with bare shoulders and camisoles, unless worn under another blouse, shirt, jacket, or dress.
- T-shirts or sweatshirts, unless approved for a specific event or job task, or Casual Fridays; must be without holes, rips, etc. with finished seams.
- Shower footwear, flip-flops, or slippers.

**All employees who participate in Casual Fridays, events, or job specific duties that deter from normal business wear, shall adhere to the above policies for t-shirts and denim jeans.**

### **Examples Regarding Grooming**

#### *Personal Hygiene*

Personal hygiene is very important. Daily baths, shaving, use of deodorant, and daily mouth hygiene is essential to providing a professional image.

#### *Makeup, Perfume, Cologne*

Because some people are allergic to the chemicals in perfumes and make-up, these substances should be worn with restraint.

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*Hair, Hairstyles*

Hair (including facial hair) must be neat and clean. Extreme hairstyles and hair color are inappropriate for the workplace.

*Jewelry*

Jewelry should not be worn in excessive amounts and must not interfere with the County employees' ability to perform their job duties. Visible body piercing should be limited to a professional standard.

*Tattoos*

Tattoos bearing offensive language or logos that are or could be seen by others as profane, racist, sexist, or discriminatory in nature are to be covered.

Department heads, with the day-to-day knowledge of their respective department and operations, will make the final decision regarding grooming.

**Section 14. Travel**

Authorization—Travel on official county business out-of-state by any official, officer or employee must be authorized by the Board of Commissioners. Travel on official county business within the state requiring an overnight stay must be approved by the County Manager, except that overnight travel by Commissioners, County Manager and the County Attorney must be approved by the Chairman of the Board of Commissioners. All other travel within the state by an employee must be approved by the employee's department head, or in the case of department heads, by the County Manager.

**Employees must make every effort to travel in a county vehicle rather than their own vehicle.**

Transportation—A County vehicle along with a gas card will be provided whenever possible. In the event that a county vehicle is unavailable; the employee will be reimbursed at the current IRS standard mileage reimbursable rate for business travel for use of their personal vehicle. Mileage for travel shall be paid for the shortest usually traveled route. Any travel by air, sea or rail shall be in coach class, and must have prior authorization by the County Manager.

Meals—When an employee travels on official business out of Alleghany County, he/she may be reimbursed for meals according to the following;

- (a) For travel requiring departure prior to 7:00am, breakfast may be reimbursed for an amount not to exceed \$7.00.
- (b) For travel requiring departure prior to 11:00am, lunch may be reimbursed for an amount not to exceed \$13.00.
- (c) For travel requiring return after 7:00pm, dinner may be reimbursed for an amount not to exceed \$20.00.

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The above individual meal limits are only effective when the trip qualifies for one meal per day. If the trip qualifies for two or three meal reimbursements for one travel day in accordance with this policy, then the total reimbursable amount for those two or three meals may be combined for that day. This combined amount may be used to reimburse the employee any amount for each meal not to exceed the combined amount for that day.

Tips and other gratuities are to be accounted for within the per diem meal allowance but cannot exceed 15% of the meal costs.

When an employee travels on official County business requiring an overnight stay the per diem meal allowance is the same as outlined in (a)-(c).

Meals will not be reimbursed that are included as complimentary meals on the agenda with any class/course/event registration even if the employee opts to dine elsewhere. A copy of the agenda must be provided with each reimbursement request.

Receipts will be required for all meals not to exceed three meals daily and the receipt must be the original detailed receipt showing all purchased items, **not a credit card receipt.**

**All reimbursement receipts shall be turned into the Finance Office no later than 30 calendar days after the date of travel or meal to be reimbursed. Any receipts not submitted by the deadline of 30 calendar days will not be reimbursed by the County under any circumstances.**

Lodging - When travel requires an overnight stay, County employees are expected to check lodging rates in the area of their travel and make arrangements for the most economical and safe lodging available. Specific dates of lodging must be listed on the reimbursement request and corroborated by a receipt from the lodging establishment.

Any other entertainment expenses, such as the cost of in room movies that are included with the lodging bill will not be reimbursed.

County employees will be reimbursed either gas or mileage while using personal vehicles for out of county travel, but not both.

Associated Fees - The County will pay for any fees associated with travel such as registration, license, tuition and course materials when attending job related training programs. These fees should be requested as an advancement to the Finance Department at least ten (10) working days prior to actual need.

Employees traveling for the County shall keep an accurate record of their expenses and their times of departure and arrival to and from the destination. No reimbursement will be paid without proper travel authorization and receipts for lodging and other travel expenses including meals.

## **Section 15. Computer, Email and the Internet**

Use of Email. The email system is intended for official County business. Although you may use the email system occasionally for personal messages, you must exercise discretion as to the number and type of messages you send. You must also ensure that your personal use of the email system does not interfere in any way with your job duties or performance. Any employee who abuses this privilege may be subject to disciplinary action. Email usage must be able to survive public scrutiny and/or disclosure. Users must avoid accessing sites that might bring the public service into disrepute, such as those that carry offensive material.

Personal Use of the Internet. Use of the internet must comply with the following:

- a. Users must comply with all applicable laws and regulations and must respect the legal protection provided by copyright and licenses with respect to both programs and data. Any illegal use of the internet is prohibited.
- b. Internet usage must be able to survive public scrutiny and/or disclosure. Users must avoid accessing sites that might bring the public service into disrepute, such as those that carry offensive material.

Software Use. It is the County's policy to use licensed software only in accordance with the terms of its license agreement. Violating a license agreement is not only unethical, it is also illegal and can subject the County to criminal prosecution and substantial monetary penalties.

Guidelines on Posting. You are legally responsible for content you post to the internet, in a blog, social media site or otherwise. You can be held personally liable for defaming others, revealing confidential information, and copyright infringement, among other things.

**All County's policies apply to anything you write in a personal blog, post to the internet, or upload to the internet including personal posts. Personal posts to any social media platform or the internet should not be done during working hours. The only exception is the County department-based accounts, or any reciprocal information from a County department-based account posted to a personal account for public informational purposes only.**

**Any personal posts during work hours may subject the employee to disciplinary actions up to and including dismissal.**

Please keep in mind that your personal postings will be read not only by your friends and family, but possibly by your coworker and supervisors, as well as county residents. Even if you post



anonymously or under a pseudonym, your identity can be discovered relatively easily. Use common sense when deciding what to include in a post or comment. Don't say something that you wouldn't want these people to read.

### **Section 16. Cell Phone Usage**

Employees are responsible for the safety and integrity of any cell phone issued to them by the County. Employees should set up passwords to ensure the protection of information. Tik Tok and other similar social media sites are prohibited on County provided cell phones or computer devices of any type.

The use of a County owned cell phone for personal reasons is discouraged. Personal use must be brief and infrequent. Employees who are issued a cellular phone understand that the phone/devices are issued for business use. Cellular phone bills are reviewed when they arrive. Any employee abusing their cell phone privileges may have their phone taken away from them and may be subject to disciplinary action.

Regardless of if a cell phone is County owned or personally owned by the employee, personal calls and texting during work hours can interfere with employee productivity. Therefore, employees are asked to make personal calls and text on non-work time. Supervisors are expected to monitor cell phone usage of their employees and all County business related information is subject to review if needed.

To ensure the effectiveness of meetings, cell phones should be placed in the 'silence' or 'vibrate' mode or turned off.

Employees are not allowed to wear ear buds or headphones attached to their cell phones during business hours. Exceptions may be granted by the Department Head in those cases where the noise level in the work environment exceeds the volume controls of the phone and the employee has a legitimate business need to utilize the cell phone.

Under no circumstances may employees use County cell phones to send or receive any material that might be considered offensive including but not limited to pornography, comments or images which could be considered offensive to someone based on sex, race, religion, national origin, age, disability, or genetics.

## **ARTICLE VI. TYPES OF LEAVE**

### **Section 1. Holidays**

Alleghany County will observe the adopted holiday schedule of the North Carolina Office of State Human Resources, and other days designated by the Alleghany County Board of Commissioners. Any days observed as paid holidays by County offices, shall be counted as hours worked.

Holiday leave earned by employees having a workweek with greater or fewer hours than the basic workweek shall be determined in accordance with the formula set forth in Section 20 of this article.

In order to be eligible for holiday pay, a County employee must have worked a full regularly scheduled workday before and after the holiday, unless excused by the County.

### **Section 2. Effect of Work on Holidays on Other Types of Paid Leave**

Regular holidays which occur during an annual, sick or other paid leave period of any officer or employee of the County shall not be charged as annual, sick or other paid leave.

### **Section 3. Holiday-When Work Required**

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or paid at their hourly rate for the hours actually worked in addition to any holiday pay to which they may be entitled. Compensatory time shall be granted whenever feasible and taken within three (3) months from the time it is earned.

For employees who qualify for holiday pay, it is paid twice per year in June and December and employees must have physically worked during the prior six (6) month period to receive this additional pay. Pay will be calculated according to the time worked in the six (6) month period per the approved calculation method.

### **Section 4. Annual Leave**

Annual leave shall be used for rest, relaxation, and may be used for medical appointments. Annual leave may also be used for outside employment or self-employment with prior written approval from the employee's dept head and the County Manager.

### **Section 5. Annual Leave- Initial Appointment Probationary Employees**

Employees serving a probationary period following initial appointment may accumulate annual leave but shall not be permitted to take annual leave during the probationary period unless the denial of such leave will create an unusual hardship. Annual leave may be taken during this period only with the prior approval of the appointing authority.

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Section 6. Annual Leave- Manner of Accumulation

Any full-time Employees working shall earn annual leave at the following rates:

Hours Earned per Payroll by Employee (26 pay periods)

<u>Years of Aggregate Service</u> (Hours per Year)	<u>7.2 hr</u> (1872)	<u>8-hr</u> (2080)	<u>12-hr</u> (2184)	<u>24-hr (Employee)</u> (2920)	
0-2 Year Accrual	2.77	3.08	3.23	4.31	(10 days)
2-5 Year Accrual	3.32	3.69	3.87	5.17	(12 days)
5-10 Year Accrual	4.16	4.62	4.85	6.47	(15 days)
10-15 Year Accrual	4.99	5.54	5.82	7.76	(18 days)
15-20 Year Accrual	5.81	6.46	6.78	9.04	(21 days)
20+ Year Accrual	6.64	7.38	7.75	10.33	(24 days)

\*Accrual rates are calculated on the basis of hours scheduled to work per year divided by an 8-hour employee total per year. Percentage is then used to calculate accruals per hourly shift based on approved number of days for 8-hr employees. (ex. 2184/2080=1.05, 2920/2080=1.40)

Annual leave earned by employees having a workweek with fewer hours than the basic workweek shall be determined in accordance with the formula set forth in Section 20 of this article.

Section 7. Annual Leave-Maximum Accumulation

Annual leave may be accumulated without any applicable maximum until December 31 of each calendar year. **However, only 240 hours may be carried over to the following year. Any unused annual leave over 240 hours will automatically be converted to sick leave.**

If the employee separates from service, payment for accumulated annual leave shall not exceed 240 hours. Annual leave will not be paid to the employee until department heads/supervisors have completed, with approval signatures, the appropriate paperwork (personnel action form) confirming all County personal property has been returned. Leave may be paid out with final paycheck or following the employee's final paycheck, depending on the timing of paperwork submission to the Finance Office.

Employees are cautioned not to retain excess accumulation of annual leave until late in the calendar year. Due to the necessity to keep all County functions in operation, large numbers of employees cannot be granted annual leave at any one time. If an employee has an excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having annual leave scheduled or in receiving any exception to the maximum accumulation.

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Section 8. Annual Leave- Manner of Taking Leave

Annual leave may be taken as earned by a permanent employee subject to the approval of the supervisor, with the exception that all department heads and other employees so designated by the County Manager should take at least five (5) consecutive workdays of accrued annual leave per calendar year.

Section 9. Annual Leave-Previous Leave Credit

Annual leave credit accumulated by each employee as of the adoption of this personnel administration policy shall be retained as of the effective date of this policy.

Section 10. Annual Leave-Terminal Pay and Repayment of Annual Leave

An employee who is separated without failure in performance of duties or personal conduct, shall be paid for annual leave accumulated to the date of separation not to exceed a maximum of 240 hours. For involuntary separation due to failure in performance of duties or personal conduct as outlined in Article VII, Section 8 and 9, accumulated annual leave may be withheld at the discretion of the County Manager at the time of the employee's separation. Any annual leave owed to the County shall be deducted from the employee's final compensation.

Section 11. Annual Leave-Payment for Accumulated Leave Upon Death

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

Section 12. Sick Leave

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

Sick leave shall be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease when continuing to work might jeopardize the health of others. Sick leave may be used for death in the employee's immediate family but may not exceed three (3) days for any one occurrence, except by special permission from the department head. Sick leave may also be used for illness in the immediate family not to exceed six (6) days per calendar year.

Immediate family shall be deemed to include spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named.

Notification of the desire to take sick leave should be submitted to the employee's supervisor/Department Head prior to the leave, or not later than thirty (30) minutes in an

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emergency situation after the beginning of a scheduled workday. In any case, notification must be as soon as possible.

Section 13. Sick Leave-Manner of Accumulation

Each full-time permanent and probationary employee working shall earn sick leave computed at the following rate:

<u>Hours Earned Each Month</u>	<u>Hours Earned Per Payroll</u>	<u>Hours Earned Each Year</u>
8-Hour Employees	3.69	96
12 Hour Employees	3.87	100.62
24 Hour Employees	7.0	182

Sick leave earned by permanent employees having a workweek with fewer hours than the basic workweek shall be determined in accordance with the formula set forth in Section 20 of this article. The department head may advance sick leave to an employee who has exhausted sick leave because of a major operation or illness. This advanced sick leave shall not exceed the amount an employee can earn during the current calendar year.

At the time of an employee's separation, any sick leave owed the County shall be deducted from the employee's final compensation.

Section 14. Sick Leave-Maximum Accumulation and Separation

Sick leave will be cumulative for an indefinite period. If an employee terminates employment with the County with no means of transfer or retirement avenues for their accumulated sick leave, the employee shall be paid \$2 per hour up to 240 hours for unused sick leave upon separation.

Section 15. Sick Leave-Physician's Certificate

The employee's supervisor, department head or the Human Resources Officer may require a physician's certificate stating the nature of the employee's illness and the employee's capacity to resume duties when an employment-related basis exists for requesting such information. An employment-related basis exists for such a request when the supervisor, department head or HR Officer deems the information necessary to ascertain the health of the employee in order to:

1. Prevent employees from working when they might endanger their health or safety or the health or safety of other employees or members of the public; or
2. Prevent abuse of leave privileges by an employee.

**Claiming sick leave under false pretenses shall subject the employee to disciplinary action up to and including dismissal.**

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Section 16. Sick Leave-Retirement Credit for Accumulated Sick Leave

All sick leave shall be applied towards retirement in accordance with the North Carolina Local Government Employees' Retirement System guidelines.

Section 17. Sick Leave – Previous Leave Credits

Sick leave credits accumulated by each county employee shall be retained as of the effective date of this policy.

Section 18. Sick Leave – Transfer of Sick Leave from Other Employment

Employees appointed to positions in County government from positions in other jurisdictions belonging to the: (1) North Carolina Local Governmental Employees' Retirement System (2) Law Enforcement Officers' Benefit and Retirement Fund (3) North Carolina Teachers' and State Employees' Retirement System or (4) other affiliated North Carolina governmental retirement systems may request that their accumulated sick leave be transferred. The maximum amount to be considered will be 500 hours. Any extraordinary circumstances of a sick leave transfer will be presented to the County Manager by the HR Officer for consideration. All approvals must be made by the County Manager. A written verification from the previous employer is required before the sick leave hours can be credited. Verification must be received within sixty (60) days of the employee's employment date.

If an employee leaves employment with Alleghany County and returns within twelve (12) months, upon written request sick leave will begin at the remaining balance from previous employment.

Section 19. Sick Leave Share Policy – Transfer of Sick Leave Between Employees

The County Manager or Human Resource Officer may permit a regular full-time employee to receive sick leave donations from other qualifying employees, due to circumstances that are extraordinary or severe in nature that may result in an employee using all accumulated sick leave. A sick leave sharing form for donating sick leave to an employee in need will be completed confidentially with the HR Officer. The HR Officer will inform all employees, while withholding the other employee's name, of such need for a donation.

Section 20. Calculation of Annual Leave and Sick Leave

Holiday leave, annual leave, and sick leave earned by permanent employees having a workweek of greater or fewer hours than the basic workweek shall be determined in accordance with the following formula:

- (a) The number of hours worked by such employees shall be divided by the number of hours in the basic workweek.
- (b) The proportion obtained in step (a) shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek.
- (c) The number of hours in step (b), divided by twelve, shall be the number of hours of leave earned monthly by the employees concerned.

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Section 21. Leave Without Pay – Policy

A permanent or probationary employee may be granted a leave of absence without pay for up to six (6) months by the appointing authority. The leave shall be used for reasons of personal disability, after both sick leave and annual leave have been exhausted, continuation of education, special work that will permit the County to benefit by the experience gained or the work performed, or for other reasons deemed justified by the appointing authority.

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

Section 22. Leave Without Pay – Retention and Continuation of Benefits

An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the county's group insurance plans, subject to any regulations adopted by the Board of Commissioners and the regulations of the respective insurance carriers. However, the employee shall reimburse ALL insurance premiums during the period of leave without pay including county provided insurance and any voluntary deductions the employee may have if the employee does not receive a regular paycheck during a calendar month. Payments are due to the Finance Office on a monthly basis.

Section 23. Workmen's Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workmen's Compensation Act, may receive Workmen's Compensation benefits and elect to use accumulated annual and sick leave as supplemental payment for the difference between his regular salary and the payments received under the Workmen's Compensation Act. Such an employee may have deducted from his accumulated annual or sick leave that fraction of a day which is the same as the fraction that the supplemental payment for one day is of a regular day's pay only to pay for voluntary employee deductions. Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by Workmen's Compensation. Employee will not accrue regular leave unless partial pay is granted to cover deductions. Leave will be accrued proportionately in relation to granted leave used.

All voluntary employee deductions must be paid to the Finance Office on a monthly basis while under Workmen's Compensation leave.

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

**Section 24. Family and Medical Leave Act**

The Family and Medical Leave Act (Herein referred to as FMLA) of 1993 was passed by Congress to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity; to minimize the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons; and to promote the goal of equal employment opportunity for women and men. The County will grant up to 26 workweeks (960 hours) of leave during any single 12-month period to care for a service member or 12 workweeks (480 hours for a regular full-time employee, 674 hours for EMS, and 504 hours for LE) of leave during any single 12-month period for the birth or adoption of a baby, or the care of employee's own or close family member's serious health condition. The leave may be paid annual or sick leave, unpaid leave, or a combination of paid and unpaid leave. Worker's compensation leave may also be designated by the County as family and medical leave, thereby reducing the family and medical leave available. When an employee uses paid leave during the family and medical leave, the employee's balance of accrued annual and/or sick leave is reduced concurrently with the balance of family and medical leave. Additional time away from the job beyond the twelve-week FMLA period may be approved in accordance with *Article VI, Section 21*.

(A) Eligible Employees

Permanent Employees. An employee who has been employed with Alleghany County Government for at least one (1) year and who has worked at least 1,250 hours during the past twelve (12) work months is entitled to a total of twelve (12) work weeks or four hundred eight (480) hours, paid and/or unpaid, leave during any twelve-month period for one or more of the reasons listed below:

Family and medical leave can be used in the following circumstances or for the following reasons:

- a. the birth or adoption of a child in order to care for that child;
- b. the placement of a child with the employee for adoption or foster care;
- c. to care for a spouse, child, or parent with a serious health condition;
- d. because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation, or
- e. for a spouse, son, daughter, parent, or next of kin to care for a service member, or
- f. the serious health condition of the employee.



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

(B) Spouses Employed by County

If a husband and wife are employed by the county, the aggregate number of work weeks of Family and Medical Leave for the couple is limited to a total of twelve (12) work weeks during any twelve (12) month period where such leave is taken pursuant to the provisions in (a) (1) and (a) (2) above.

Temporary Employees. This policy is not intended to cover, and does not cover, temporary employees since the maximum length of a temporary appointment is one (1) year; however, if by exception, a temporary employee is extended beyond one (1) fiscal year, the employee would be covered if he or she had worked at least 1,250 hours during the past twelve-month period. Any leave granted to a temporary employee would be without pay.

**Section 25. Family and Medical Leave Act – Birth of a Child**

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. Assuming adequate accrued annual leave time, the employee may then use all paid annual leave for the remainder of the twelve-week period. If the employee has insufficient accrued leave time to cover the entire twelve-week period, the employee may take unpaid leave for the remainder of the twelve weeks.

**Section 26. Family and Medical Leave - Request.**

**The request for the use of FMLA leave must ordinarily be made in advance and in writing by the employee and approved by the HR Officer and County Manager.** In an emergency situation, the request for the use of FMLA leave must be made as soon as reasonably practical. On its own initiative, the County may designate leave as FMLA.

The leave will be paid or unpaid leave.

Employees shall be entitled to receive their continued health benefits under the County health benefits plan during the twelve (12) work week or four hundred eighty (480) hours leave period. Leave without pay beyond the twelve (12) work week period will be administered under the Leave Without Pay Policy (Article VI. Section 21).

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After the period of leave, pursuant to this policy, if the employee does not intend to return to work, the County should be notified immediately. Failure to report at the expiration of the leave, unless an extension has been requested, may be considered and treated as a resignation.

Certification

In order to qualify for FMLA leave for a serious health condition of the employee, or the employee's spouse, child or parent, the employee must provide the County with medical certification from the employee's or the family member's physician. The certification must include the date when the condition began, its expected duration, diagnosis, and a brief statement of the treatment required or expected. For the employee's own health condition, it must state that as a result of the condition, the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence is necessary.

In order to qualify for FMLA leave to care for a service member, the employee must provide a certification issued by the health care provider of the service member being cared for by the employee that the service member is in need of care by the employee.

An employee seeking FMLA leave because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation must provide a certification, in a timely manner of such active duty or impending call to active duty.

This certification should be furnished at least thirty days prior to the needed leave unless the employee's or family member's condition is a sudden one, in which case the certification must be furnished as soon as possible, but no later than fifteen days from the date of the employee's request. The certification and request must be made to the department head, and the HR Officer.

**Section 27. Family and Medical Leave - Return to Work.**

An employee taking FMLA leave for a serious health condition or the serious health condition of a spouse, child or parent is expected to return to work at the end of the leave period stated in the medical certification, unless the County has approved additional unpaid leave or the use of available sick or annual leave.

Prior to an employee returning to work after an FMLA leave, the employee's supervisor, department head, or the HR Officer may require a physician's certification that the employee can safely resume employment and has regained the ability to effectively perform the essential functions of the job. An employee who returns to work after an FMLA leave will return to the same job, if available, or a job with equivalent status, pay, benefits, and other

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employment terms and requirements. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

Section 28. Military Leave

Permanent employees who are members of the National Guard or Armed Forces Reserve will be allowed fifteen (15) workdays for military training leave annually with partial compensation. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a county employee, the employee shall receive partial compensation equal to the difference in the base salary earned as a reservist or guardsman and the salary that would have been earned during this same period as a county employee. The effect will be to maintain the employee's salary at the normal level during this period. If such military duty is required beyond these fifteen (15) workday periods, the employee shall be eligible to take accumulated annual leave or be placed in a leave without pay status. While taking military leave with partial pay or without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the County during this period. Permanent employees who are guardsmen and reservists have all job rights specified in the Uniformed Services Employment and Re-employment Rights Act. (USERRA)

All voluntary employee deductions must be paid to the Finance Office on a monthly basis while under any approved Military leave without pay status.

Section 29. Civil Leave

A County Employee called for jury duty or as a court witness for the federal or state governments or a subdivision thereof, may receive leave with pay for such jury duty during the required absence without charge to accumulated annual, sick, or petty leave. If you are summoned for jury duty, please make scheduling arrangements with your supervisor as soon as you receive summons or subpoena. Employees must provide verification of a subpoena, and/or the time spent in court.

An employee may keep fees/stipends received for local jury or witness duty. The County will provide the difference between pay received by a court for jury or witness duty and an employee's regular day's pay. Documentation from the court system verifying paid amount is required in the Finance Office for employees not to be charged time away from work for summoned duty.

An employee may keep travel allowances for any out-of-county jury or witness duty required.

While on civil leave, benefits and leave shall accrue as though on regular duty.

Section 30. Civic/Volunteer Leave

Employees who are members of organizations which provide for the common good of the citizens of Alleghany County may be allowed to take leave during working hours to fulfill duties within these organizations. Examples of such organizations include the volunteer fire department and the rescue squad. Employees may only take such leave when it is approved by

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their department head or supervisor, and only when leave does not interfere with regular County business. Employees must notify their supervisor/Department Head upon leaving and returning, and an accurate accounting will be noted at the following pay period.

Section 31. Educational Leave with Pay

A leave of absence at full or partial pay during regular working hours may be granted to an employee to take one (1) course which will better equip the employee to perform assigned duties upon the recommendations of the department head, and with the approval of the appointing authority. An employee may receive reimbursement for one (1) course at a time taken outside of working hours which will better equip the employee to perform assigned duties, subject to the approval of the department head and the County Manager or appointing authority. The County shall reimburse the employee for tuition, fees, and books for the course, provided the employee submits a receipt of course expenses and a notice of successful completion (passing grade or better) of the course.

Educational leave at full or partial pay for a period not to exceed twelve (12) calendar months may be granted to an employee to take a course that will better equip him to perform assigned duties upon recommendation of the department head and the appointing authority with the approval of the Board of Commissioners. An employee granted such educational leave with pay shall agree to return to the service of the County upon completion of training and remain in the employ of the County for a period equal to twice the educational leave received, or the employee shall reimburse the county for all compensation received while on educational leave.

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

Section 32. School Leave

State Law requires all employers to grant four (4) hours per year of unpaid leave for parents to attend activities at their child's school. School leave may only be taken with the prior approval of the employee's supervisor/Department Head.

Section 33. Administrative Leave

Leave with pay may be authorized by the County Manager for purposes considered to be in the public interest, in cases of severe weather or civil disturbances, or in such other circumstances as good judgment and common practice would dictate. **Employees in essential operations may be required to work when operations are officially closed. Employees who must work in these situations will receive compensation beyond regular pay, up to a maximum of five (5) days per year off with regular pay.**

## **ARTICLE VII. SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT**

### Section 1. Types of Separation

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

### Section 2. Resignation

An employee who has successfully completed six (6) months of the probationary period will normally be paid for accumulated annual leave upon separation, subject to the 240-hour maximum, provided proper notice is given to the Department Head at least 2 weeks in advance of the effective date of resignation. Any employee failing to give the notice required by this section or not returning all-county related/issued property shall forfeit payment of accumulated leave.

Any money that is owed to the Alleghany County due to taxes, fees, reimbursements, insurance, etc. will be deducted from the final accumulated leave check. The notice requirement may be waived by the County Manager when deemed to be in the best interest of the County. All final annual leave check disbursements may be issued by paper check or direct deposit.

Once an employee has decided to resign, the employee should notify his or her immediate supervisor of the decision and the anticipated last day of employment. The supervisor will give the employee notice that the resignation has been accepted. The employee will not be able to rescind the resignation after it has been accepted. The supervisor will then forward all information including a personnel action form with last day of employment to the HR Officer.

### Section 3. Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, organizational needs, and seniority in determining those employees to be retained. Employees who are laid off because of a reduction in force shall be given at least two (2) weeks' notice of anticipated lay-off. No permanent employee shall be separated while there are temporary employees serving in the same class in the department, unless the permanent employee is not willing to transfer to the position held by the temporary employee.

### Section 4. Disability

An employee who, because of a physical or mental condition, cannot perform the required duties of the employee's job with reasonable accommodation may be separated for disability. Action may be initiated by the employee or the County but in all cases, it shall be supported by medical evidence as certified by a competent physician. The County may require an examination at its

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expense and performed by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the County's service for which the employee may be suited. The County shall comply with the intent rules and regulations of the ADA.

Section 5. Retirement

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

Section 6. Death

All compensation due in accordance with Article VI, Section 10 of this policy will be paid to the estate of a deceased employee. The date of death shall be recorded as the separation date for computing compensation time.

Section 7. Disciplinary Actions

An employee may be suspended or demoted by the department head because of failure in performance of duties or failure in personal conduct. The department head along with the HR Officer shall provide the employee with a written notice including the recommended effective date, reasons for the action, and appeal rights available to the employee.

Section 8. Failure in Performance of Duties

An employee whose work is unsatisfactory over a period of time shall be notified verbally or written by the supervisor/department head and HR Officer in what way the employee's work is deficient, and what must be done if the work is to be satisfactory.

An employee who is suspended, demoted or dismissed for unsatisfactory performance of duties shall receive at least **two (2) written warnings** before disciplinary action is taken. Prior to any notice, verbal or written warning to the employee, a meeting must be scheduled with the HR Officer. The HR Officer will be present for all disciplinary actions of employees as a witness and attaining proper documentation for personnel files.

At time of first warning, verbal or written, a conference will be conducted with the employee in which all the information contained in the warning is explained and documented. The warning must detail the reasons why the warning is issued, corrective action which must be taken by the employee, the time frame in which the corrective actions must be accomplished and possible consequences for failure to accomplish the required corrective actions. In the event that the employee's job performance does not improve, and a second warning is warranted, the supervisor and/or department head must follow the same procedures described above. If this is a second written warning, the second warning presented will include corrective action that must be taken immediately in order to avoid further disciplinary actions or may include **immediate dismissal**. The supervisor and/or the department head must record the dates of their discussions

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with the employee, the performance deficiencies discussed and the corrective actions recommended, and must file the information with HR in the employee's personnel folder.

The employee must be allowed at least ten (10) workdays to respond to the charges before any determination is made by the department head concerning a suspension or a demotion or a determination is made by the appointing authority concerning dismissal. The following causes relating to failure in the performance of duties are representative, **but not all inclusive**, of those considered to be adequate grounds for suspension, demotion or, dismissal:

- (a) inefficiency, negligence or incompetence in the performance of duties;
- (b) careless, negligent or improper use of County property or equipment;
- (c) physical or mental incapacity to perform duties;
- (d) discourteous treatment of the public or other employees;
- (e) absence without approved leave;
- (f) habitual improper use of leave privileges; and
- (g) habitual pattern of failure to report for duty at the assigned time and place.
- (h) Failure to complete work within time frames established in work plan or work standards;
- (i) Failure to meet work standards over a period of time; or
- (j) Failure to follow the chain of command to address work-related issues.
- (k) Failure to promptly report a work-related injury or accident;
- (l) Failure to pay County taxes before such taxes become past due is also considered unsatisfactory job performance.

Section 9. Failure in Personal Conduct

An employee may be suspended, demoted or dismissed for causes relating to personal conduct detrimental to County service (1) in order to avoid undue disruption of work, (2) to protect the safety of persons or property, or (3) for other serious reasons.

The following causes relating to failure in personal conduct are representative, **but not all inclusive**, of those considered to be adequate grounds for suspension, demotion or dismissal:

- (a) fraud in securing appointment;

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- (b) conduct unbecoming a public officer or employee;
- (c) conviction of a felony or of a misdemeanor which would adversely affect performance of duties, or entry of a plea of “no contest” to either;
- (d) misappropriation of County funds or property;
- (e) falsification of County records for personal profit or to grant special privileges;
- (f) reporting to work under the influence of alcohol or narcotic drugs or partaking of such things while on duty or while on public property, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary.
- (g) willful damage or destruction of property;
- (h) willful acts that would endanger the lives and property of others;
- (i) acceptance of gifts in exchange for “favors” or “influence”;
- (j) incompatible employment or conflict of interest;
- (m) violation of political activity restrictions;
- (n) Harassment of or discrimination against an employee(s) and/or member of the public on the basis of sex or any other protected class status, or retaliation against any person who has reported or participated in the investigation of any such harassment or discrimination; or
- (o) Directing threatening or obscene language and/or gestures at an employee or member of the public;
- (p) Flagrant violation of work rules and regulations or serious malfeasance of work
- (q) Failure to report his or her arrest for a criminal act to a supervisor within 24 hours;
- (r) Use of the County’s internet services to conduct personal business for compensation or to access inappropriate information such as pornography;
- (s) Intentional use of County property for unauthorized purposes;
- (l) **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.**

Any employee demoted, or dismissed for causes relating to personal conduct shall be given a statement of the charges, be allowed to respond in writing, and be given a prompt written statement of the decision by the department head or the appointing authority. These steps shall be taken before the disciplinary action except in cases of suspensions where a written statement will be sent to the employee by certified mail.

#### Section 10. Disciplinary Suspension

An employee who is suspended for disciplinary reasons shall be relieved temporarily of all duties and responsibilities and shall receive no compensation for the period of suspension.

#### Section 11. Immediate Disciplinary Suspension

An employee may be suspended without notice by the department head for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a department head suspends an employee, they shall tell the employee to leave County property at once and remain away until further notice. The department head shall notify the HR Officer/County Manager immediately if time does not permit the HR Officer being present for the suspension.

A written summary giving the circumstances and facts leading to the suspension shall be prepared; one copy shall be delivered to the employee by certified mail, and one copy shall be filed in the employee's personnel folder.

#### Section 12. Non-Disciplinary Suspension

During the investigation, hearing or trial of an employee on any criminal charge or during the course of civil action involving an employee, the department head may suspend the employee without pay for the duration of the proceeding as a non-disciplinary action. However, the investigation, hearing, trial, or civil action must involve matters that may form the basis for disciplinary suspension, demotion or dismissal in order for the non-disciplinary suspension to be allowed.

Full recovery of pay and benefits for the period of non-disciplinary suspension may be authorized by the Board of Commissioners if the suspensions are terminated with full reinstatement of the employee.

#### Section 13. Pre-Dismissal Conference

A pre-dismissal conference must precede dismissal procedures of permanent employees for unsatisfactory job performance or unacceptable personal conduct. Advance written notice must be provided to the employee including the time and place of the conference, a summary of evidence for which dismissal is being considered and assurances that dismissal is only being

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considered and that the employee may respond to charges at the conference. The department head and the HR Officer will both be present for this conference with the employee.

Section 14. Dismissal

All dismissals may be preceded by an automatic three (3) day suspension without pay pending completion of an investigation by the appointing authority. If the appointing authority determines that a dismissal action is appropriate, such dismissal shall be effective at the end of the suspension. If a dismissal is made at the end of this period, a written summary giving the circumstances and facts leading to the dismissal shall be prepared. A copy of the summary shall be delivered to the employee by certified mail and one copy shall be filed in the employee's personnel folder.

Section 15. Employee Appeal

A permanent employee wishing to appeal a demotion, suspension or dismissal may present the matter in accordance with the provisions of the grievance procedure prescribed in Article VIII of this ordinance.

Section 16. Reinstatement

An employee who resigns while in good standing or who is separated because of reduction in force may be reinstated within one (1) year of the date of separation, with the approval of the department head and the appointing authority. An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service or with a reserve component of the Armed Forces will be granted reinstatement rights commensurate with Chapter 43 of Public Law 93-508. An employee who is reinstated shall be credited with previous service and previously accrued sick leave and will receive all benefits provided in accordance with this policy and state law. The salary paid a reinstated employee shall be as close as reasonably possible.

## **ARTICLE VIII. GRIEVANCE PROCEDURE, DISCRIMINATORY AND ADVERSE ACTION APPEAL**

### Section 1. Grievance and Adverse Action-Definitions

A grievance is a claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance might involve alleged safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisor or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas, or any other grievance relating to conditions of employment.

An adverse action is a demotion, dismissal, reduction in pay, layoff, or an undesirable transfer or suspension.

### Section 2. Grievance Procedure and Adverse Action Appeal-Policy

In order to maintain a harmonious and cooperative relationship between the County and its employees, it is the policy of the County to provide for the settlement of problems and differences through an orderly grievance procedure. Every permanent employee shall have the right to present his problem, grievance or adverse action appeal in accordance with the established policy free from interference, coercion, restraint, discrimination, or reprisal.

It is the responsibility of supervisors at all levels, consistent with authority delegated to them, to consider and take appropriate action promptly and fairly on a grievance or adverse action appeal of any employee.

In adopting this policy, the County sets forth the following objectives to be attained in this program:

- (a) Assure employees of a way in which they can get their problems or complaints considered rapidly, fairly, and without fear of reprisal.
- (b) Encourage the employee to express himself about how the conditions of work affect him as an employee.
- (c) Get better employee understanding of policies, practices, and procedures which affect them.
- (d) Provide employees with assurance that actions are taken in accordance with policies.
- (e) Provide a check on how policies are carried out by supervisors.

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- (f) Give supervisors a greater sense of responsibility in their dealings with employees.

Section 3. Grievance and Adverse Action Appeal Procedure -Non- Discrimination

Any permanent County employee having a problem or grievance arising out of or due to their employment and who does not allege discrimination, shall first discuss their problem or grievance with his supervisor and follow the grievance and adverse action appeal procedure established by the County. If the problem or grievance involves the supervisor or department head, the employee shall talk with the HR Officer or the County Manager following the same procedures.

**\*\* Note\*\*** Holidays observed by Alleghany County will not be included within the specified days.

Step One. The employee with a grievance or adverse action appeal shall present the matter orally or in writing to his immediate supervisor within ten (10) working days of its occurrence or within ten (10) working days of the time the employee learns of its occurrence, with the objective of resolving the matter informally. If the exact date cannot be established for the occurrence of a grievance circumstance, the ten (10) working days limit may be waived, but the employee should file the grievance within a reasonable time period. The supervisor should be and is encouraged to consult with any employee or officer deemed necessary to reach a correct, impartial, and equitable determination and shall give the employee an answer as soon as possible, but within eight (8) working days.

Step Two. If the decision is not satisfactory to the employee in Step 1, or if they fail to receive an answer within the designated period provided in Step 1, they may file the grievance in writing within eight (8) working days with the department head, who shall hear the grievance and render a decision in writing within a maximum of eight (8) working days.

For employees in the Sheriff's Department and the Register of Deeds Office, there shall be no appeal beyond the decision of the respective department head.

Step Three. If the decision is not satisfactory to the employee in Step 2, or if they fail to receive an answer within the designated period provided in Step 2, they may file the grievance in writing with the HR Officer/County Manager (in appeals involving a general county employee) or the local board of the employee's department (in appeals involving a competitive service employee) within eight (8) working days.

In appeals involving a general county employee, the County Manager shall hear the grievance and render a decision in writing within eight (8) working days.

Step Four. If the decision is not satisfactory to the employee in Step 3, or if they fail to receive an answer within the designated period provided in Step 3, they may file the grievance in writing with the County Board of Commissioners within eight (8) working days.

In appeals involving a general County employee, the Board of Commissioners shall review the case data, consult with whatever sources it deems appropriate, and give an answer in writing within ten (10) working days with one copy sent to the employee by certified mail. There shall be no appeal from this decision by the Board of Commissioners. Employees subject to the jurisdiction of the North Carolina State Personnel Commission shall have the right to appeal to

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the State Personnel Commission through the Office of Administrative Hearings not later than 30 days after receipt of notice of the County Manager's decision, provided that the employee has obtained regular status in accordance with the rules and regulations of the State Personnel Commission. The decisions of the State Personnel Commission shall be binding in appeals of local employees who are subject to the State Personnel Act if the commission finds that the employee has been subjected to discrimination or if a binding decision is required by applicable federal standards. However, in all other local employee appeals, the decision of the State Personnel Commission shall be advisory to the local appointing authority.

**Section 4. Grievance and Adverse Action Appeal Procedure- Discrimination**

Any applicant for County employment, County employee, or former County employee who has reason to believe that employment, promotion, training, or transfer was denied him or that demotion, layoff, or termination of employment was forced upon him because of his age, sex, race, color, national origin, religion, creed, political affiliation, , sexual orientation, gender identity, citizenship, marital status, veteran's status, disability, genetic information or any other personal characteristic protected by law, except where physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration, shall have the right to appeal directly to the county Board of Commissioners (in the case of general County employment) or the State Personnel Commission (in the case of general competitive service employment). A permanent County employee has the right to appeal using the grievance procedure outlined in Section 3 of this article if so desires. An employee or applicant must appeal an alleged act of discrimination within thirty (30) days of the alleged discriminatory action.

**Section 5. Back Pay Awards**

Back pay and benefits may be awarded to reinstated employees in suspension, demotion, dismissal, and discrimination cases.

## **ARTICLE IX. EMPLOYEE BENEFITS**

### Section 1. Insurance Benefits

The following insurance benefits are available to employees:

#### A. Health Insurance Coverage

##### Active Employee Benefits

Coverage under this policy is offered to all permanent full-time employees who are eligible for annual leave, sick leave and work at least 30 hours weekly. For these employees, the County pays the individual policy. Employees may obtain family, spouse or parent-child/children coverage through the County group plan by reimbursing the County 100% of those premium amounts through payroll deductions.

New employees are eligible for benefits on the 1<sup>st</sup> day of the month following the 30<sup>th</sup> day of employment. Each employee should apply for insurance coverage at the time of employment.

Coverage and benefits are explained at the time of hire and enrollment.

Any penalties for non-compliance or non-completion of wellness/screening requirements created by Alleghany County or the County's Health Insurance provider will be payroll deducted from the employee's check per the deduction schedule.

##### Retiree Insurance Benefits

All full-time employees whose effective start date is before October 16, 2006, that retire from service with Alleghany County through the Local Government Employees Retirement System (LGERS) will be eligible to retain their insurance on the same basis as when working.

For all full-time employees whose effective start date is after October 16, 2006, the following describes the retirement health insurance benefit:

Full time employees that retire from service with Alleghany County through the Local Government Employees Retirement System (LGERS) who meet the following requirements will be eligible for comparable coverage through private insurance or by way of Medicare with Medicare Supplement;

1. Ten (10) to Fourteen (14) years of service with Alleghany County; County will pay 50% of cost of coverage, or
2. Fifteen (15) to Nineteen (19) years of service with Alleghany County; County will pay 75% of cost of coverage, or
3. Twenty (20) or more years of service with Alleghany County; County will pay 100% of cost of coverage, or

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4. Retirement after five (5) years of service, with Alleghany County, due to permanent disability caused by a work-related injury stemming from County employment. (Law Enforcement after one year of service). County will pay 100% of cost of coverage. The permanent disability must be certified by LGERS Medical Review Board to qualify for coverage under this subsection.

Retirees may continue upon retirement, family, spouse or parent-child coverage through the County group plan by reimbursing the County 100% of the family, spouse or parent-child/children premium amount.

Retirees are invoiced by the County Finance Office quarterly for any continuation of insurance benefits. If a retiree fails to reimburse the County after two billing periods, a ten-day net due notice prior to the first of the next month will be sent. If payment is still not received, insurance benefits will be canceled. It will be the retiree's responsibility to work with the insurance carriers to reinstate coverage, if applicable, plus any fees, premiums, cost, etc. associated with reinstatement.

If allowable by State and Federal laws, all full-time employees whose effective start date is after October 16, 2006, eligible to receive retirement benefits shall name Medicare as primary health insurer and the County will provide gap coverage through a reputable private insurer such that the combination of Medicare Coverage and gap coverage is substantially similar to the health insurance coverage offered at that time by the County.

All full-time employees whose effective start date is on or after July 1, 2015, that qualify for retiree health insurance in accordance with adopted policies will not receive County insurance benefits after becoming eligible for Medicare.

Effective January 1, 2016, all retirees upon reaching Medicare eligibility age or the age of 65 that were employed prior to October 16, 2006, shall have their medical insurance transferred to a Medicare gap plan that is substantially similar to the health insurance coverage offered at that time by the County.

#### Life Insurance

Life insurance coverage may be offered through the designated insurance provider selected by Alleghany County. Basis for eligibility is the same as for health insurance in most instances. The County pays the individual policy and family coverage may be obtained upon request through payroll deductions. Continued participation by the County cannot be assured.

As of August 1, 2023, a continuation of the life insurance benefit paid in full by Alleghany County will be provided for all retirees.

Additional deductions or benefits may be allowed, at the option of the employee. Such deductions may include but are not limited to:

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- A. Section 401 (K) Plan. Provides an automatic law enforcement employee contribution into a supplemental retirement income plan. All other county employees will be voluntary.
- B. Deferred compensation plans.
- C. Miscellaneous insurance.
- D. Credit Union
- E. Flex Plan, authorized by Section 125 of the Internal Revenue Code, allows employees to spend pretax dollars on insurance premiums and deductibles, uncovered health and medical expenses and expenses for care of dependent children if covered by participating broker.

#### Law Enforcement Officers' Separation Allowance

In accordance with G.S. 143-166.42, the County shall provide a special separation allowance to Sworn Law Enforcement Officers, as defined in G.S. 128-21(11b) or G.S. 143-166.50(a)(3), who retire and meet all of the following qualifications:

1. The officer must have completed 30 years or more years of creditable service or have attained 55 years of age and completed five (5) or more years of creditable service; and
2. The officer must not yet have attained 62 years of age; and
3. The officer must have completed at least 5 years of continuous service as a law enforcement officer immediately preceding a 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 58 enforcement officer as herein defined. Payment to the retired officer shall 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.

Notwithstanding the provisions of subsection (3) a local government employer 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. Revised by Session Law 2009-396, House Bill 816, effective July 23, 2009Reserved Rights.



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Alleghany County expressly reserves the right to change, modify, increase co-pays or reduce insurance coverage available to its group.

Section 2. Unemployment Insurance

In accordance with State and Federal laws, Alleghany County provides unemployment benefits for all county employees.

Section 3. Old Age and Survivor's Insurance (Social Security)

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

Section 4. Retirement Plan Benefits

The County provides a retirement program for employees through the North Carolina Local Governmental Employees' Retirement System and the Law Enforcement Officers' Benefits and Retirement Fund.

Each employee appointed to a permanent position shall be required to join one of the County retirement plans.

Each employee in a budgeted position, working a required minimum of 1,000 hours per year, will be enrolled in the Local Governmental Employees' Retirement System. Employees contribute, through payroll deduction, six percent (6%) of their gross salary each month to the system. The County contributes an actuarially determined percentage of the gross payroll each month to the system. Full details of the retirement benefit may be found in the booklet entitled Your Retirement Benefits published by the North Carolina Local Governmental Employees' Retirement System.

## **ARTICLE X. PERSONNEL RECORDS AND REPORTS**

### **Section 1. Personnel Records Maintenance**

Any and all personnel records as are necessary for the proper administration of the personnel system will be maintained by the Human Resources Officer. The County shall maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs. The Human Resources Officer is the designated custodian of any and all personnel records and files.

The following information on each County employee shall be maintained:

- (a) name;
- (b) age;
- (c) date of original employment or appointment to the county service;
- (d) current position title;
- (e) current salary;
- (f) date and amount of the most recent change in salary;
- (g) date of the most recent promotion, demotion, transfer, suspension, separation or other change in position classification; and
- (h) office to which the employee is currently assigned.
- (i) Documentation of time worked

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

As required by G.S. 153A-98, upon request, any person may have access to the information in Section 1 of this article for the purpose of inspection, examination, and copying, during the regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of Commissioners may adopt. The person who requests the information must state the reason for the request at the time the information is to be given.

### **Section 3. Confidential Information**

All information contained in a County employee's personnel file, other than the information listed in Section 1 of this article, will be maintained as confidential in accordance with the requirement of G. S. 153A-98 and shall be open to public inspection only in the following instances:

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- (a) The employee or their duly authorized agent may examine all portions of their 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.
- (b) A licensed physician designated in writing by the employee may examine the employee's medical record.
- (c) A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- (d) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- (e) An official of any agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such information is deemed by the HR Officer/County Manager to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability.
- (f) Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- (g) A record shall be made of each disclosure and placed in the employee's file (except of disclosures to county staff).

Section 4. Records of Applicants, Former Employees, or their Agents

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

Section 5. Remedies of Employees Objecting to Material in File

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

Section 6. Penalty for Permitting Access to Confidential File by Unauthorized Person

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, is guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred dollars (\$500).

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Section 7. 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 in the discretion of the court but not in excess of five hundred dollars (\$500).

Section 8. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G. S. 121-5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500) as provided in G. S. 132-3.

## **ARTICLE XI. IMPLEMENTATION OF POLICY**

### Section 1. Conflicting Policies Repealed

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

### Section 2. Separability

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

### Section 3. Violation of Policy Provision

An employee violating any of the provisions of this policy shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty, which may be imposed for the violation of the same.

### Section 4. Effective Date

**The original policy became effective on July 1, 1996.**

**Last update approved by the Board of County Commissioners on 10/16/2023 effective October 16, 2023.**