



Pender County

Personnel Policies

Pender County Human Resources

805 S. Walker Street

Burgaw, NC 28425

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WELCOME TO ALL PENDER COUNTY EMPLOYEES

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

Pender County Government focuses on four core strategic priorities.

1. To be a high performing organization;
2. To achieve a sustainable and vibrant economy;
3. To achieve excellence in education; and
4. To be a diverse county with an exceptional quality of life.

Employees play a critical role in Pender County's core strategic priorities and all employees are encouraged to always strive to achieve excellence. Thank you for being a part of the Pender County Government team!

POLICY DISCLAIMER

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

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

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

The Employee Human Resources Policies do not constitute a guarantee or contract of employment and the County reserves the right to change, revoke, interpret, or add to any of these policies at any time at its sole discretion without prior notice. The County is an “at-will” employer and retains the right to terminate employment at any time and for any reason not prohibited by law or public policy of the State of North Carolina.

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

PENDER COUNTY EMPLOYEE HUMAN RESOURCES POLICIES ACKNOWLEDGEMENT

By signing below, I acknowledge that I have received, read, and understand the County’s Employee Policies. I understand that the Employee Human Resources Policies are provided to me for general guidance and are not an exhaustive statement of County policies or procedures.

In addition, I understand that the Employee Human Resources Policies do not constitute a contract of employment and that the County may change, revoke, interpret, or add to any of these policies at any time at its sole discretion without prior notice. I understand that the County is an at-will employer and retains the right to terminate my employment at any time for any reason not prohibited by law.

Finally, I understand that any amendment of the Employee Human Resources Policies will always govern and supersede any prior version. I also understand that if I have questions or concerns regarding my terms of employment or working conditions with the County, I should contact my supervisor or Human Resources.

Employee Name (Print): _____

Employee Signature: _____

Date: _____

SAMPLE PAGE

This page is provided for the employee’s record. All employees will complete a separate Pender County Employee Human Resources Policies Acknowledgement Form and submit it to Human Resources for their personnel file.

ARTICLE I – GENERAL PURPOSE AND SCOPE

Section 1. Purpose

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

With the adoption of these Employee Human Resources Policies, the Pender 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 Human Resources policies, the Pender 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 Pender County Board of Commissioners also recognizes that periodic updates and revisions of these Human Resources policies will be necessary. Changes in Human Resources policies adopted by the Pender County Board of Commissioners will be communicated promptly to all employees.

Section 2. Coverage

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

- A. Board of Commissioners and Elected Officials.
- B. The County Manager and County Attorney are appointed by the Board of Commissioners and are exempt from this policy unless provided for by separate documents or otherwise required by federal or state laws and regulations.
- C. Members of advisory boards and commissions and special boards, task forces, and committees.
- D. Employees of the Sheriff and Register of Deeds are subject to this policy with the exception that they serve at the will of those officials. The Sheriff and Register of Deeds shall be subject to this chapter, except that they shall have the right to hire and terminate employees in their respective departments under the authority of N.C.G.S. 153A-103.
- E. Employees of the Cooperative Extension Service whose annual compensation is supplemented by state and federal funds shall be subject to all provisions of this

chapter except those provisions which conflict with the memorandum of understanding executed between the County and the North Carolina Cooperative Extension Service.

- F. Employees of the Board of Elections are subject to this policy except the County Board of Elections shall appoint and remove election clerks, assistant clerks, and other Election employees under the authority of N.C.G.S. 163-33 (10). The Executive Secretary-Director of the State Board of Elections appoints the Director of Elections. The Executive Secretary-Director can render a decision to terminate the County Director of Elections following procedures set out in N.C.G.S. 163-35 (b).
- G. Temporary employees, as designated by the Board of Commissioners, shall be subject to all Articles and sections except those where they are specifically listed as exempt.

Section 3. Employee Classifications

- A. **Full-time Employee:** An employee, either regular or temporary, who is regularly scheduled to work forty (40) hours per week as defined under the Fair Labor Standards Act.
- B. **Part-time Employee:** An employee, either regular or temporary, who is regularly scheduled less than forty (40) hours per week as defined under the Fair Labor Standards Act. There are no County benefits associated with a part-time position unless the individual works twenty-four (24) or more hours per week except for Workers' Compensation, FICA and Unemployment Insurance.
- C. **Probationary Employee:** A person appointed to a budgeted position who has not yet completed the probationary period.
- D. **Regular Employee:** An employee that has successfully completed the prescribed probationary period. All County positions are subject to budget review and approval each year by the County Board of Commissioners, and all employees' work and conduct must meet standards of performance and behavior. Therefore, reference to "regular" employees is not to be construed as a contract or right to perpetual funding or employment and does not affect the "at-will" status of the employment relationship.
- E. **Part-time less than 20-hour Employee:** A person appointed to serve in a position for a definite period not to exceed 19 hours per week as averaged over a 52-week period.
- F. **Seasonal Employee:** A temporary employee who works in a position that is seasonal in nature and does not work more than seven (7) months in any calendar year and who is exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act.

- G. **Contract Employee:** A worker who performs a contract or agreed upon function or service for the County that, based upon Internal Revenue Service guidance, has the status of employee. This classification is not eligible for any benefits or compensation other than that which is specified in the contract, agreement, or Memorandum of Understanding; or otherwise required by federal or state laws and regulations.

Section 4. Responsibilities of the Board of Commissioners

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

Section 5. Responsibilities of Elected Officials

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

Section 6. Responsibilities of the County Manager

Pursuant to North Carolina General Statutes 153A-82, the County Manager is responsible to the Board of County Commissioners for the administration of the County's personnel system. The County Manager is authorized to appoint, discipline, suspend, and remove all County officers and employees, except those elected by the people or those employees whose appointment is otherwise provided for by law or those employees specifically exempt. The County Manager shall make appointments, dismissals, and suspensions in accordance with N.C.G.S. 153A-82 and these employee human resources policies. Pursuant to N.C.G.S. 153A-92(c), the County Manager is responsible for preparing position classification and pay plans for submission to the Board of Commissioners and for administering the pay plan and any position classification plan in accordance with the general policies and directives adopted by the board.

Section 7. Responsibilities of the Human Resources Director

The County Manager may appoint a Human Resources Director who shall assist in the preparation and maintenance of the position classification plan and the compensation plan, and perform such other duties in connection with the County personnel program as the County Manager may require. If the County Manager does not appoint a Human Resources Director, the County Manager or such employee who is under his or her

direction and supervision shall perform all of the following duties and responsibilities. The duties and responsibilities of the Human Resources Director or the County Manager as Human Resources Director shall include, but not be limited to the following:

- A. Apply, interpret, and carry out these employee human resources policies, and the policies adopted hereunder, as directed by the County Manager;
- B. Establish and maintain records relating to all persons in County employment or service;
- C. Develop and administer recruiting policies and programs to attract qualified applicants to meet the needs of the County; qualified applications will be forwarded to the individual departments;
- D. Encourage and exercise leadership in the development of an effective program of merit-based human resources administration within various County departments;
- E. Investigate, as necessary and appropriate, the time, operation and effect of these human resources policies and other policies as appropriate;
- F. Make recommendations, as appropriate, to the County Manager or the Board of Commissioners regarding County human resources functions; and
- G. Issue and publish, as necessary, administrative directives, supplements, interpretations, policy statements, forms, reports, and other human resources materials necessary for the proper functioning and maintenance of these Employee Human Resources Policies.
- H. Designate those employees who are exempt from the overtime provisions of the Fair Labor Standards Act;
- I. Establish, maintain, and administer compensation and benefit programs;
- J. Develop and administer a performance review program;
- K. The Human Resources Director will notify the County Manager of any incomplete annual evaluations that he/she was required to do by the last day of February. Upon this notification the Human Resources Director may also notify the Board of Commissioners;
- L. Review, evaluate and provide training, development, and educational programs for County employees;
- M. Serve as the County's EEO Officer and report any EEOC claim or potential claim to the County Manager immediately upon notification;

- N. Serves as the County's ADA Coordinator;
- O. Coordinate human resources action processes and facilitate and document appropriate grievance processes to ensure the County provides adequate consideration in resolving personnel actions.

Section 8. Responsibilities of the Department Managers

- A. **Human Resources Responsibilities:** The Department Manager of each County department or Board shall be responsible to the County Manager for recommendations for the appointment, suspension, and removal of County officers or employees assigned to their departments. The Department Manager of each County department or Board shall be responsible to the County Manager that all employees are thoroughly familiar with the provisions of these employee human resources policies. Documentation of professional licenses and related training required for specific positions must be maintained by the Department Manager and filed with Human Resources. Documentation of employee changes and evaluations must also be maintained, and copies filed with Human Resources. It is the responsibility of the Department Manager to ensure that evaluations are conducted on time, on an annual basis, or as needed as a part of a Performance Improvement Plan. Copies of departmental employee authorized travel must be maintained by the Department Manager. Department Managers are responsible for ensuring that all employees under their supervision know how to and have accurately recorded their time for each payroll cycle. Once entered, Supervisors/Managers will sign off on each employees' time accurately reflecting their hours for the respective payroll to the best of their knowledge. Department Managers are also responsible for ensuring that time is entered in accordance with the requirements of the County's Human Resources Policies. If an employee has been absent for more than 3 consecutive days, the Department Manager is required to inform Human Resources and cooperate with further investigation if necessary.
- B. **Budget and Finance Responsibilities:** Each Department Manager is responsible for the financial operations of their respective department. Annually, the Department Manager must coordinate with the County Manager and Finance Department to suggest the needs of their department to effectively operate in the budget year to come. Throughout the year, Department Managers are required to maintain their budget in accordance with the County's Budget Manual so as to avoid over expenditures in violation of North Carolina General Statutes. Department Managers are responsible for expending County funds only in accordance with the County's Purchasing Manual. Department Managers should make every effort to obtain additional funding for operations of their department if at all possible and communicate those efforts to Finance.

ARTICLE II – EMPLOYMENT

Section 1. Statement of Equal Employment Opportunity

It is the policy of the County to provide equal employment opportunity for all employees and applicants seeking County employment. All employment policies and practices will be nondiscriminatory in compliance with federal laws, state statutes, and local ordinances.

Pender County will take appropriate action to ensure that all employment practices are administered without regard to race, religion, color, national origin, sex, age, disability, sexual orientation, gender identity, genetic information or any other protected category under local, state, or federal law. These employment practices include but are not limited to recruitment, hiring, compensation, transfer, promotion, demotion, reduction in force, recall, benefits, training, and termination. The County's policy is to ensure that all employment decisions, including promotions, are based solely on individual merit, and qualifications for the job.

The Human Resources Director serves as the Equal Opportunity Officer and is responsible for carrying out the Equal Employment Opportunity policy. Employees can bring complaints, ask questions, and raise concerns under this policy without fear of reprisal. Charges or complaints of discrimination should be referred to the Human Resources Director. The County will not tolerate retaliation, harassment, intimidation, threats, coercion or discrimination against anyone who files a complaint, exercises a right, opposes improper conduct or assists in an investigation.

Section 2. Reasonable Accommodations under the Americans with Disabilities Act (ADA) and Amendments Act

The County will not discriminate against a qualified individual because of disability with regard to job application procedures, hiring, promotion, compensation, job training, employee benefits, discharge of employees, and other terms or conditions of employment. Disability means having a physical or mental impairment that substantially limits one or more of the major life activities of such individuals, a person having a record of such impairment or of being regarded as having such impairment.

Reasonable accommodations will be provided for testing and job placement upon request from an applicant. The County will provide reasonable accommodations for the continued employment of individuals who become disabled while employed by the County. Examples of reasonable accommodations to be considered by the County include reassigning non-essential duties, modifying work schedules, acquisition or modification of assistive equipment or devices; and/or other similar actions. The Human Resources Director serves as the County's ADA Coordinator.

Section 3. At-Will Employment

Employment with the County is at-will, which means that continued employment and the conditions of employment are solely at the County's discretion, consistent with the terms of any applicable employment agreement. In this employment relationship, either the

employee or the County may choose to terminate the employment relationship at any time and for any reason not prohibited by law and the public policy of the State of North Carolina.

Section 4. Recruitment

Recruitment and selection practices are conducted solely on the basis of job-relevant qualifications, ability, merit, and competence without regard to race, religion, color, national origin, sex, age, disability, sexual orientation, gender identity, genetic information or any other protected category under local, state, or federal law. All advertisements for employment shall include an assurance that the County is an equal opportunity employer and will comply with federal and state statutes regarding discrimination in employment matters. In making a selection among candidates to fill vacancies, the County may use written, oral or performance tests, an evaluation of training and experience, skills tests, psychological tests, or any combination of these. For selected positions, a fitness for duty test may also be required. Pre-employment background checks will be required for selected positions. Pre-employment drug screening is required for all employees. See [Article IV](#) for more information on pre-employment background checks; see [Article XVI](#) for more information on pre-employment drug screening.

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

Section 5. Residency

The position of County Manager shall be required to establish permanent legal residency within the County within twelve (12) months of the date of hire unless a different time frame has been agreed upon by the Board of County Commissioners. The County Manager shall provide proof of residency (i.e. voter registration, driver's license, etc.) to the County. No other County employee is required to establish residency within the County.

Section 6. Job Advertisements

Employment opportunities with the County will be advertised publicly. Job postings will be posted on County employee bulletin boards and on the County websites from the date that the position is advertised until the established closing date for accepting applications. Job postings may be advertised with the Employment Security Commission, with other local, state or national organizations, and in newspapers and professional publications and on websites as deemed appropriate by the Human Resources Director. In general, it is the County's practice to post vacant positions for at least ten (10) calendar days.

Section 7. Application for Employment

All qualified persons expressing interest in a County position, including current employees, will be given the opportunity to file an application for employment when the County is advertising to fill such positions. Pender County only accepts applications for positions that are vacant and posted. All applicants for a position must complete and sign the County's official application form for each position for which they are applying. Applicants may be required to submit certificates from educational and training institutions, proof of licensure, and other documentation requested by the County which provides reasonable proof of any statement made on the application. Any false statements within the application or omissions of relevant work experience may be cause for rejection of the application or, if employed, disciplinary action up to and including dismissal. Applicants who are not employed with the County and not selected for positions have no access to the County grievance procedure.

Section 8. Minimum Qualification Standards

The minimum qualification standards for applicants seeking County employment and for current County employees seeking a promotion or transfer must be consistent with the established job class requirements and with any documented specialized requirements for specific positions. Such specialized minimum job requirements must be a part of the position's job description maintained in the Human Resources Department. Minimum qualification standards include the specified education, experience, physical capabilities, and other knowledge, skills, and abilities necessary for the job class as established by the Human Resources Director in consultation with the Department Manager.

Section 9. Selection

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

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

An interview panel, or other selection technique, shall be established to conduct candidate interviews, to evaluate the relative qualifications and merits of each candidate for all positions except those employed by elected officials or otherwise appointed by a separate board. In positions employed by elected officials or appointed by separate boards, the interview panel shall consist of employees in that department and the recommendation shall be made to the appointing authority. The Human Resources Director will assist the hiring manager to see that every interview panel reflects the diversity of the County's population among panel members. Once the selection process is completed, the hiring manager shall make the recommendation for hire to Human Resources through a Payroll Change Notice form which will then be sent to the County Manager for approval.

The Department Manager, County Manager or Human Resources Director will notify the applicant deemed most qualified of selection and offer employment. The documentation of the interview procedures shall be placed in a file documenting the recruitment and selection process for that position. The original offer and acceptance letter shall be forwarded to Human Resources where it shall be placed in the employee's personnel file.

The County reserves the right to condition an offer of employment on the results of a medical examination or screening. The purpose of a medical examination and/or screening is to determine if a candidate is physically able to perform the essential functions of the position and to ensure that an individual's physical condition will not endanger the health, safety, or well-being of other employees or the public. The Human Resources Director and department heads shall develop a list, which will be on file in the Human Resources Department, of all jobs that require a pre-employment physical. Department heads may not require a pre-employment physical for any position not on this list.

The Human Resources Director or his/her designee will approve all written offers of employment, with exception of job offers for positions governed by elected officials.

- A. **Appointments of Department Managers:** The County Manager shall make all appointments of department managers under his or her direction, except those elected or appointed by the Board of County Commissioners or other boards established by General Statute.
- B. **Interim Appointment:** The County Manager may designate a County employee to serve in an acting capacity when a department manager or supervisory position is vacant due to a resignation or due to an approved leave of absence of more than four (4) weeks, or as deemed appropriate. Employees serving in an acting capacity shall be compensated to reflect the increased duties they have assumed until an appointment to the position has been made, a leave of absence has been completed, duties are reassigned, or another personnel action is taken which no longer requires an employee to serve in an acting capacity.

Section 10. Eligibility for Employment

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

Section 11. Employee Orientation

All newly hired or rehired employees shall complete required County personnel forms. Employees who are eligible for fringe benefits must complete enrollment forms relating to certain mandatory and elective benefit programs. All employees shall be provided a copy of these employee human resources policies and must acknowledge receipt by completing an acknowledgment form. Each department shall be responsible for conducting an on-the-job training program for each new employee, which shall cover the employee's work environment, position responsibilities and duties, work schedule, safety requirements and application of these employee personnel policies and departmental policies to the position involved. Employees are also required to complete New Employee Orientation training pursuant to [Article X](#) – Employee Education and Training.

Section 12. Probationary Period of Employment

Pender County requires all employees to serve a probationary period when a new employee is appointed to a position and when existing employees are promoted, transferred, or demoted. The County regards the probationary period as an integral part of the employment process. It affords the employee an opportunity to become acquainted with the new position and provides the County with a period of time during which the employee's work will be closely evaluated. The County may dismiss any employee with or without cause at any time during the probationary period. Employees dismissed during their probationary period have no access to the County's grievance procedure.

- A. **Duration:** The probationary period is six (6) months from the employee's date of hire. Employees who are initially appointed to a law enforcement position are subject to a twelve (12) month probationary period to complete minimum State mandated training requirements. Current employees promoted or transferred to a different position in the County shall serve a six (6) month probationary period. If an employee who is promoted or transferred to a different position is found to be unsuited for that position, the County may reinstate the employee to his/her former position and former rate of pay with the approval of the Human Resources Director and the County Manager.
- B. **Probationary Period Extensions:** During the probationary period the County shall closely observe an employee's work to ensure that the employee demonstrates that he/she is qualified for the position in which he/she has been

appointed. The employee's supervisor shall evaluate performance, skills, and ability demonstrated during the probationary period in order to determine whether the employee should continue to be retained by the County. Employees' probationary periods may be extended for no more than six (6) additional months if additional time is needed to evaluate performance or because of absences from work through a written request and approval by the County Manager. Under no circumstances will the probationary period be shortened.

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

Section 13. Changes in Employment Status

Promotions and Transfers: Employees are encouraged to apply for vacant County positions for which they are qualified. Promotions are competitive; transfers may be competitive, depending on the decision of the department head. Reclassifications that result in a promotion or transfer are not competitive. The County has the right to make the final hiring decision based on qualifications, abilities, experience, and County requirements and does not make a guarantee of a promotion or transfer to existing employees. The County Manager may affect promotions or transfers without regard to the recruitment process if it is determined by the County Manager to be in the best interest of the County. This policy does not limit the County's right to transfer employees to another position within the same job class taking into account the needs of the County and the employee.

- A. **Demotions:** All demotions must be approved by the County Manager. See [Article XII Section 6](#) for more information.
- B. **Voluntary Reassignment:** A reassignment is a change in employment resulting from assignment to a position in the same or a lower pay grade. This change is the result of a mutual agreement between the employee and the employer, or it may be the result of an employee applying for and being selected for a position at the same or a lower grade. If the reassignment is to a lower grade, a Request for Voluntary Reassignment must be completed by the employee and forwarded to Human Resources. Employees may also be voluntarily reassigned if their position has been abolished or reclassified to a lower class and they cannot be transferred to a position of equal pay for which they are qualified and suited.
- C. **Reclassification:** The Human Resources Director, based upon job audit and/or job evaluation that substantial change has occurred in the nature or level of

duties and responsibilities of an existing position, will recommend to the County Manager that a revision in the level of the position is needed; or that the position needs to be assigned to a different job class; or that a new job class for this position needs to be established. Placement of a position at a higher level or in a different job class that is at a higher grade in the salary plan has the effect of a promotion, for salary administration purposes, for an incumbent. The salary of an incumbent whose position has been moved to a lower level or reassigned to a job class at a lower salary grade may be lowered or it may remain the same.

Section 14. Performance Evaluation

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

An employee's immediate supervisor will conduct a performance evaluation on an annual basis, or more frequently if required by the County Manager or the employee's Department Manager. The performance evaluation will be used for identifying problem areas in an employee's performance, identifying the need for further training and development, establishing goals and as a factor in granting performance pay increases and promotions. The performance evaluation will be in writing and shall be signed by the employee and the supervisor.

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

The appropriate supervisor or Department Manager shall annually review the performance of each employee. The annual review must take place and the documentation received prior to the deadline established by the County Manager. Failure to do so will result in a poor performance evaluation for the appropriate supervisor or Department Manager. Performance shall also be evaluated at the time of a transfer or promotion so that the entire year's work history is reflected. The supervisor shall ensure that all changes in employee duties are reviewed and incorporated into a current job description. Employees shall receive a copy of the performance evaluation and the performance evaluation shall be placed in the employee's official personnel file in the Human Resources Department.

Performance evaluations and/or market/merit raises, or bonuses are non-grievable personnel actions.

Section 15. Re-employment

The County does not have a re-employment policy, except that employees who leave County employment without giving a two-week notice are barred from re-employment. Former employees may apply for any County positions for which they are qualified. Rehired former employees will be credited with their previously accrued sick leave balance, longevity time balance and hire date, provided they are rehired within ninety (90) days of their most recent separation date from the County and have not applied for or withdrawn retirement funds from the State of North Carolina retirement system. Rehired former employees will be subject to probationary employee status as detailed in Article II, Section 12 above unless waived by the County Manager.

Section 16. Work Schedules and Hours of Operation

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

Section 17. Modified Work Schedules

Authorization of temporary modified work schedules for individual employees is at the discretion of the Department Manager as long as there is no interruption of departmental functions and efficient service is provided to the citizens of Pender County. The County Manager has the final authority to approve permanent modified work schedules. Once the modification is approved, it is the Department Manager's responsibility to inform the Human Resources Department in writing of such changes.

Section 18. Workweek

All employees whose overtime is governed by the Fair Labor Standards Act (FLSA) shall accrue overtime compensation in accordance with the provisions of the FLSA. The standard workweek shall be from 12:01 AM on Sunday through 12:00 AM on the following Sunday unless an alternate schedule has been so designated by the County Manager. Department Managers, supervisors and other exempt employees under the FLSA shall work those hours necessary to ensure satisfactory performance of their departments, but not less than forty (40) hours per week. Law enforcement personnel shall not exceed eighty-six (86) hours within a fourteen (14) day work period in accordance with the law enforcement exemption set forth in FLSA. Law enforcement officers shall be compensated with overtime pay for working overtime. Other departments may also be compensated with overtime pay at the discretion of the County Manager. All other county employees eligible for overtime compensation shall receive compensatory time for working overtime. For more information on overtime guidelines please see [Article II Section 20 Subsection B](#).

Section 19. Meal Periods and Rest Breaks

The County recognizes that certain breaks in the daily schedule promote employee health and productivity.

- A. **Rest Break:** Provided that the workload permits it, employees may take a rest break at least once every workday. All breaks must be arranged so that they do not interfere with County business or continuous service to the public. Rest breaks cannot be used to shorten the workday or be banked from day to day. Rest breaks are paid work time and are generally between 5 and 20 minutes in duration. Please see [Article III Section 10](#) for more information on smoking, vaping, and tobacco use.
- B. **Meal Break:** Full-time employees may also take up to a sixty (60) minute unpaid meal break for each full-time shift worked. Provided that the meal break is at least thirty (30) consecutive uninterrupted minutes, it is not paid, not included in the computation of overtime, nor included in the computation of a normal work shift or payroll period. Meal breaks must be scheduled with the approval of the employee's Department Manager and/or supervisor. The scheduling of meal breaks may vary depending on the departmental workload.
- C. **Break Time for Nursing Mothers:** Pender County provides reasonable paid break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has the need to express the milk. Pender County will provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. Employees requesting accommodation for expressing breast milk must make the request through their Department Manager.

Section 20. Overtime Guidelines

- A. **Non-exempt Employees:** All employees governed by the Fair Labor Standards Act (FLSA) shall maintain true, complete and legible time records. All time worked shall be recorded to the nearest one-quarter hour (fifteen minutes - 15) and shall be submitted to the supervisor in a timely fashion. Supervisors shall arrange the work schedule of their employees to accomplish necessary work within an average workday and workweek without requiring overtime work, except in those cases in which hours of work beyond forty (40) in a workweek are necessary. Non-exempt employees in all departments may be required to work overtime as requested by their supervisor. Refusal to work overtime may result in disciplinary action up to and including dismissal. Supervisors will make reasonable efforts to balance the personal needs of their employees when assigning overtime work. Non-exempt employees are strictly prohibited from volunteering to work overtime without receiving compensation.
- B. All overtime must be authorized in advance by the employee's supervisor and Department Manager, except in emergency situations where conditions are such that prior approval cannot be obtained, and in such event, approval shall be obtained immediately subsequent to the emergency overtime worked, except when overtime is mandated by shift scheduling. Unusually large amounts of

overtime, emergency work requiring overtime or ongoing overtime work must have written approval by the County Manager. Pender County will pay an employee for working unauthorized overtime, however, an employee who works overtime without approval may be subject to disciplinary action.

- C. **Exempt Employees:** All employees exempt from the FLSA overtime requirements are expected to work whatever hours are necessary in order to meet the performance expectations outlined by their supervisors or the County Manager. No authorization is necessary for exempt employees to work in excess of forty (40) hours in a workweek.
- D. **Pay Under a State of Emergency:** Whenever the County is under a State of Emergency declared by the Chairman of the Pender County Board of Commissioners, the County Manager in his/her discretion is authorized to monetarily compensate exempt employees an additional amount over and above the exempt employee's guaranteed minimum salary. Subject hours will be fully documented and certified by the Department Manager and approved by the County Manager.

Section 21. Human Capital Plan for Emergency Situations

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

ARTICLE III - CONDITIONS OF EMPLOYMENT

Section 1. Report of Personnel Changes

The County attempts to maintain complete and accurate personnel information on employees in accordance with [Article XII](#) Employee Records and Reports. Employees must immediately notify Human Resources when a change in any of the following occurs:

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

Section 2. Attendance

Every County employee has an important role to play in maintaining a productive workplace. Therefore, it is essential that all employees be regular in their attendance during all scheduled hours of work. Unsatisfactory attendance, including reporting late and leaving early, may be grounds for disciplinary action, up to and including termination. If an employee must be absent from work for any reason, other than approved time off, the employee must notify his/her immediate supervisor at least thirty (30) minutes prior to the start of his/her normal working hours. If an emergency prevents the employee from notifying his/her supervisor at such time, the employee is expected to call as soon as practical during the workday. The County reserves the right to require an employee to provide documentation from the employee's doctor or professional health care provider verifying the illness or injury which results in absence from work.

Section 3. Outside or Secondary Employment

The County does not prohibit employees from engaging in outside employment. However, the County expects regular and permanent, full-time employees to consider that the work of the County will take precedence over other occupational interests of employees. The County will not condone outside employment that interferes with the performance of an employee's duties with the County or which represents a conflict of interest. The County will not change work hours to facilitate the scheduling of outside employment. All outside or secondary employment for salaries, wages, or other compensation and all self-employment must be reported in writing to and approved by the employee's Department Manager and the County Manager. The County Manager shall be responsible for final interpretation and a copy will be forwarded to Human Resources for inclusion in the employee's personnel file. Conflicting outside or secondary employment will be grounds for disciplinary action up to and including dismissal.

Section 4. Employment of Relatives

For purposes of this policy, immediate family is defined as spouse, mother, father, guardian, children, sister, brother, uncle, aunt, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named. The following provisions are applicable to all employees:

- A. Members of an immediate family may be employed in the same department, provided that an immediate family member does not directly supervise another member of the immediate family. The employment of immediate family within the service of the County within the same department or unit/section of a department at the same time is to be avoided unless significant recruitment difficulties exist.
- B. Members of an immediate family may not fall under any aspect of a supervisor's scope of responsibility. This restriction includes involvement of family members in writing or reviewing employee performance evaluations or where one member occupies a position that has influence over the other's employment, promotion, salary administration, and other related management or personnel considerations.
- C. Department Managers may not hire members of their immediate family to work in departments under their scope of responsibility. However, in cases of transfer, promotion, demotion, or other personnel transactions wherein a conflicting situation is created, it is incumbent upon the Department Manager, in consultation with the County Manager, to rectify such a situation within thirty (30) days, preferably through transfer. The County Manager has the authority to waive the thirty (30) day limitation if the Department Manager demonstrates good cause in a request for a waiver. Termination of an employee under these conditions should be avoided when possible, though exceptions may be made where the position involves a married couple.
- D. The Board of Commissioners must grant approval prior to appointment by the Sheriff or by the Register of Deeds of a relative by blood or marriage of the nearer kinship than first cousin as required by North Carolina General Statute. Approval of the Board of Commissioners is not required for the reappointment or continued appointment of a near relative of a Sheriff or Register of Deeds who was not related to the appointing officer at the time of initial appointment.

Section 5. Safety and Health

- A. Occupational Safety and Health Act (OSHA). It is the policy of the County to comply in all respects with the 1970 Occupational Safety and Health Act (OSHA) and all amendments thereof. The County Manager shall establish or approve policies and procedures relative to compliance with OSHA. Pender County is committed to making reasonable efforts to provide a safe and healthy working environment for all employees. Pender County's policy is to ensure that every reasonable precaution is taken to prevent the incidence of accidents, injuries, and illnesses for all employees. There is no job or task that cannot be performed

safely and it is expected that all County employees adhere to this policy, follow safe working procedures and use good common safety sense when at work. The Pender County Risk Control Manual has been prepared and adopted as the County's safety guidelines and all employees are expected to comply with this policy and its procedures. Employees can access the County's Risk Control Manual at the County's Intranet website.

- B. **Accident Reporting:** Employees must report unsafe conditions or practices to their supervisor immediately. If a work-related accident, injury, or illness occurs, employees must report it to their supervisor immediately. If the employee requires medical attention as a result of a work-related accident, injury, or illness, they are required to follow the procedures set forth in [Article IX Section 7](#) Workers' Compensation Insurance. Pender County has adopted a proactive return to work policy that requires all employees in a modified or restricted duty status to return to work and perform their duties consistent with their physical restriction(s) set by their treating physician. If an employee has any questions regarding the accident reporting procedures, they are encouraged to contact their supervisor or the Human Resources Director.

Section 6. Maintaining County Security

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

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

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

- B. **Employee Identification Badges:** Employee identification badges are issued to all employees, volunteers, and interns. All of these persons listed herein may be required to wear an employee identification badge when conducting County business at County facilities or in the field. Anyone who loses or misplaces his or her County-issued employee identification badge must report this situation immediately to his or her supervisor and arrange for reissue. Initial and replacement badges will be provided to employees at no cost, however, if a

badge is lost two or more times within an 18-month period, a charge of \$20 will be assessed for a replacement badge.

- C. **Employee Fobs:** Unless otherwise approved by the Department Manager and the County Manager, employee Fobs will only be issued to Department Managers all other personnel should utilize their ID badge to access County doors. Anyone who loses or misplaces his or her County-issued Fob must report this situation immediately to his or her supervisor and arrange for reissue. Initial and replacement Fobs will be provided to employees at no cost, however, if a Fob is lost two or more times within an 18-month period, a charge of \$20 will be assessed for a replacement Fob.

Section 7. County Property

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

- A. **Personal Use of County Property:** County-owned equipment and facilities are not available for personal use by employees. Personal use is prohibited unless the employee's supervisor gives prior approval.
1. Office furnishings and property should remain in County offices unless required for the conduct of County business.
 2. The County's laptop computers may be checked out by staff according to procedures established by the County Manager and upon approval of the employee's supervisor. Employees may check-out a laptop computer for business-related travel or business-related overnight or weekend use. The laptop should be returned to the County upon return of the employee to County offices.
 3. County equipment or facilities may be loaned to community and civic organizations. Approval for such use must be obtained from the County Manager unless covered by a mutual aid agreement.
 4. Unauthorized removal of County property or its conversion to personal use may be cause for disciplinary action up to and including dismissal.

B. Use of County Vehicles or Motorized Equipment: Employees authorized to operate County vehicles or motorized equipment must use these strictly for County business. County vehicles or motorized equipment must be kept on the County's grounds or in its facilities when not in use. Any employee operating or riding in a County vehicle or other motorized equipment must:

1. Operate the vehicle or equipment in accordance with the County's safety policy.
2. Wear seat belts.
3. When driving, refrain from using a cell phone, including but not limited to, texting, instant messaging, using telephone-based internet services or any other function that would violate North Carolina law and OSHA Distracted Driving standards.
4. Refrain from smoking, vaping or use of tobacco products at all times while operating or riding in a county vehicle or other motorized equipment.
5. Relatives are prohibited from riding in or driving County vehicles.

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

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

1. Vehicles shall not be used for commuting purposes outside the County, with exception of vehicles used for law enforcement purposes and those employees hired prior to January 1, 2009, who commute from outside of the County until such time as they transfer or are promoted to a new position. Any exceptions to this section of the policy must be approved in writing by the County Manager and placed in the personnel file of the employee.
2. Vehicles shall be kept in a safe and secure location on nights and weekends.

3. Employees shall not use vehicles for personal use.
4. Employees called out during non-standard working hours and use a personal vehicle may be eligible to receive IRS mileage reimbursement at the current rate.
5. The County will follow IRS regulations concerning the use of employer-provided vehicles.
6. Occasional use of a County-owned vehicle for commuting may be authorized by the County Manager or Department Manager where it is deemed to be in the best interest of the County, where it will serve to reduce travel time, compensatory time or overtime or otherwise improve efficiency in the conduct of County business.
7. The County Manager must approve all vehicles assigned for commuting.

Section 8. Driver's License Requirements and Driving Record

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

Section 9. Credentials

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

- A. Employees in such classifications are responsible for obtaining and maintaining current, valid credentials as required by law. Failure to obtain or maintain the legally required credentials constitutes a basis for immediate dismissal without prior warning, consistent with dismissal for unacceptable personal conduct or grossly inefficient job performance. An employee who is dismissed for failure to obtain or maintain credentials shall be dismissed under the procedural requirements applicable to dismissals for unacceptable personal conduct or grossly inefficient job performance.

B. Falsification of employment credentials or other documentation in connection with securing employment constitutes just cause for disciplinary action. When credential or work history falsification is discovered after employment with the County, disciplinary action shall be administered as follows:

1. If an employee was determined to be qualified and was selected for a position based upon falsified work experience, education, registration, licensure, or certification information that was a requirement for the position, the employee must be dismissed in accordance with this policy.
2. In all other cases of post-hiring discovery of false or misleading information, disciplinary action shall be taken, but the severity of the disciplinary action shall be at the discretion of the Department Manager.
3. When credential or work history falsification is discovered before employment with the County, the applicant shall be disqualified from consideration of the position in question.

Section 10. Smoking, Vaping and Tobacco Use

Employees are permitted to smoke, vape or use tobacco in designated smoking areas only during breaks as provided in [Article II Section 19](#). Employees are prohibited from smoking, vaping or using tobacco in non-smoking/vaping areas or in county-owned vehicles. Department Managers are responsible for ensuring that all County employees adhere to smoking, vaping and tobacco use policies. Employees violating this policy may be subject to disciplinary action up to and including dismissal.

Section 11. Confidentiality

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

Section 12. Cost Saving Suggestions

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

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

ARTICLE IV - PRE-EMPLOYMENT BACKGROUND CHECK FOR APPLICANTS

Section 1. Purpose

The County will make all reasonable and legal efforts to ensure that persons hired into County jobs will be fully qualified and otherwise able to carry out the duties and responsibilities of the position for which they were hired. To accomplish this, the County will require a background check on all selected applicants before a job offer is made.

Section 2. Policy

The County will require a background check on all selected applicants before a job offer is made. A background check may consist of the following components: a pre-employment drug test; a check of the applicant's DMV driving history; a reference check from at least the most recent or current employer; education verification; social security verification/e-verify; and, a credit check if the employee will be handling credit cards, cash, or other County funds. Some positions within the County may be subject to the sexual offender registry check as part of State and Federal law. In the event that Federal or State standards conflict with this policy, then the Federal or State standard shall control. This applies to new employees and existing employees that transfer into such a position and also includes Temporary Employees. The background check will normally be limited to North Carolina Sources unless the applicant has lived out of North Carolina during the past five (5) years. In that case, a national background check will be required. Depending on the position in question, verification of required academic credentials may also be performed.

Section 3. Coverage

This policy applies to applicants for all County positions except positions in the Sheriff and Register of Deed's Department. The application process for positions in the Sheriff's Department is covered by policy adopted and implemented by that Department.

Section 4. Definitions

- A. **Applicant:** any individual who applies for a permanent or temporary position, whether full-time or part-time with Pender County.
- B. **Conviction:** a misdemeanor, felony, pleas of no contest, or deferred adjudication (Prayer for Judgment Continued).
- C. **Consumer Credit Check:** a background check of an applicant or employee's credit history.
- D. **Criminal Conviction Check:** a background check to verify that an applicant or employee does not have any undisclosed criminal record in any state or other jurisdiction in which they have resided. This shall include a search of the National Sex Offender Database.

- E. **Job reference:** This includes verification of prior employment including position, longevity, salary, and job performance.
- F. **Background Check:** This shall include one or more of the following: verification of academic credentials; job reference, license verification, criminal conviction check; and consumer credit check.

Section 5. Procedure - Background Checks/Consumer Credit Checks/DMV Driving History Checks

- A. **Background Checks:** Pender County conducts pre-employment background checks of applicants who are the final candidate for a County position in compliance with all applicable federal and state laws, including the Fair Credit Reporting Act and Title VII of the Civil Rights Act.

1. Selected applicants will be provided with written notice of the County's intention to obtain information by way of a background check and will give applicants the opportunity to obtain a free copy of any report obtained.
2. Applicants will be asked to authorize a background check in writing before such a check is performed.

- B. **Consumer Credit Checks:**

1. Pender County obtains pre-employment consumer credit reports only under very limited circumstances, for example, when applicants or employees are being considered for a position in which they will have access to bank or credit card account information. When the County needs to obtain a consumer credit report, it will comply with applicable federal and state laws.
2. Applicants will be asked to authorize a consumer credit check in writing before such a check is performed.
3. All information obtained from the consumer credit check will be used only for purposes of making employment decisions. This information will be maintained confidentially, in accordance with applicable legal requirements and may only be reviewed or accessed by authorized individuals with the approval of the Human Resources Director.
4. In the event that information discovered as a result of a consumer credit check may negatively impact an applicant, the applicant will be provided the information and given a chance to refute the information within five business days from receipt of the information. This includes providing the name of the company providing credit information, and time to address the information with that company. The County will not make an adverse employment decision until at least 5 business days after the applicant receives the information.

5. In the event that information from the consumer credit check prevents an offer of employment from being made, the Department manager (working together with the Human Resources Director) shall send a notification to the applicant with the following information:

- A. The name, address, and telephone number of the Consumer Reporting Agency (CRA) that provided the report, including a toll-free telephone number if the CRA compiles and maintains files on consumers on a nationwide basis.
- B. A statement that the CRA did not make the adverse decision and is unable to give specific reasons why the adverse decision was made.
- C. Notification that the candidate has the right to:
 - i. Obtain a free copy of the report from the CRA within sixty (60) days, and
 - ii. Dispute with the CRA the accuracy of completeness of any information provided in the report.

C. **Criminal Conviction Check:** Once an applicant becomes the final candidate for any position with the County, the hiring department shall request a criminal conviction check from the Human Resources Department. The HR Department will request such a report from a reputable vendor. The criminal conviction check will only be used for evaluating the final candidate for employment and will not be used to discriminate on the basis of race, color, national origin, religion, gender, disability or age.

An applicant's previous conviction does not automatically disqualify them from consideration from employment with the County. The candidate may still be eligible for employment depending on a variety of factors (e.g., the relevance of the conviction to the duties and responsibilities that would be assigned to the candidate if hired, the date(s) of the convictions, and the candidate's record since the date(s) of the conviction(s)). However, if an applicant fails to reveal any previous conviction on the employment application, he/she will be disqualified from employment for that or any other position with the County for at least a period of one year as a result of the falsification of his/her application.

If an applicant is hired after failing to disclose a conviction, the falsification of an employment application will be grounds for dismissal from employment. Pender County reserves the right to conduct background checks, including a check on criminal conviction history, on any current employee suspected of providing false information on his/her application or other documents.

D. **Job Reference Check:** The hiring department's supervisor (or the Human Resources Department) shall seek to obtain information on the applicant's work

performance that affects the applicant's suitability for the particular position sought. Reference checks may include persons provided by the applicant. Work history and reference information must be secured from at least the most recent or current supervisor of the applicant.

- E. **Driving Record Check:** Pender County will check the driving records of all applicants who are final candidates for employment in a County position that requires the employee to drive a County vehicle. The County will also monitor the Transit Driver Notification System for all current employees who operate or have the potential to operate a County vehicle as part of their work with the County. The County also conducts annual DMV driving record checks for all current employees who drive a County vehicle as part of their work with the County.

NOTE: Employees who are required to drive a County vehicle in their work shall report any conviction of a moving violation to their immediate supervisor within 15 calendar days of the conviction or guilty plea.

Section 6. Responsibilities Under this Policy

- A. **Record-keeping:** The Human Resources Director for Pender County is responsible for keeping all records generated through this policy in a safe and confidential manner.
- B. **Conducting Background Checks:** The Human Resources Department is responsible for securing appropriate background checks as requested by the hiring departments of the County. These reports may be purchased through a reputable CRA or through other means as determined by Human Resources.
- C. All applicants and employees are responsible for completing all employment forms in a complete and accurate fashion. The omission of relevant information is considered falsification and may be grounds for disqualification from employment or termination if employed.

NOTE: Pender County also requires pre-employment drug testing for final candidates for employment. Pre-employment drug testing is covered in [Article XVI](#)- Drug-Free Workplace Policy.

ARTICLE V – CONDUCT AND ETHICS

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

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

Section 1. Gifts and Favors

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

Nominal gifts that are provided to a department or group of County employees, such as fruit baskets, cookie tins, candy assortments, etc., may be accepted provided they are approved by the Department Manager 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. Gifts not described above and which have a value of greater than \$25, such as gift cards must be turned over to the Human Resources who will generate a list of employees and a recipient will be randomly selected to receive the gift.

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

Section 2. Auctions or Sales of County Property

No elected or appointed official serving Pender County government or any active Pender County employee, regular or temporary, shall purchase or receive any County surplus property offered for sale or trade. Said officials and employees are not to bid or negotiate for the sale of or transfer of County surplus property while in service to Pender County or while in the employ of Pender County. Violation of this policy shall be reported to the Pender County Manager's office. Employees found in violation of this subsection shall be subject to disciplinary action, up to and including dismissal.

Section 3. Political Activity Restricted

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

- A. Engaging in any political or partisan activity while on duty;
- B. Using or giving the impression of using official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
- C. Coercing, soliciting or compelling contributions for political or partisan purposes from another employee of the County;
- D. Using any supplies or equipment of the County for political or partisan purposes;
- E. This Section will not apply to individuals holding elected office as a result of partisan elections such as the Sheriff, the Register of Deeds and the members of the Board of Commissioners.

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

Section 4. Conflict of Interest

The credibility of local government rests heavily upon the confidence which citizens have in public officials and employees to render fair and impartial services to all citizens without regard to personal interest and/or political influence. Thus County officials and employees must scrupulously avoid any activity which may suggest a conflict of interest between their private interests and County responsibilities.

Examples of activities that are considered violations of this policy include, but are not limited to, the following:

- A. Activities that require the official or employee to interpret County laws, codes, ordinances, or regulations when such activity involves matters with which the official or employee has business and/or family ties.
- B. Using an official's or employee's authority, influence, or County position for the purpose of private or personal financial gain.
- C. The use of County time, facilities, equipment or supplies for the purpose of private or financial gain or for any purpose other than that of official County business.
- D. Entering into a business transaction when it involves using confidential information gained in the course of employment.
- E. Accepting other employment or public office where it will affect the official's or employee's independence of judgment or require the use of confidential information gained as a result of County duties.
- F. Accepting rebates or procuring any financial gain through the bidding process or employment of outside personnel.
- G. No employee or official shall use or disclose information gained in the course of employment or by reason of position for purposes of advancing a financial or personal interest, a business entity which there is an ownership interest, a financial or personal interest of a household member or a family member, or any other private or political interest to the detriment of the County.
- H. No employee or official shall disclose confidential or privileged information concerning personnel matters, property, contract negotiations, litigation-related matters, or other affairs of the County that are afforded protection under state law.
- I. No elected official shall require, either directly or indirectly, any employees of the County to campaign on his/her behalf as a condition of employment.
- J. No employees shall use County time or resources in promoting or advocating the election of any individual.
- K. No employee or official engaged in development review may engage in activity which conflicts with North Carolina General Statute 160D-109 or North Carolina General Statute 160D-1108.

Any official or employee engaging in any activity involving either an actual or potential conflict of interest or having knowledge of such activity by another official or employee is encouraged to promptly report the activity to the County Manager, or if such activity is by the County Manager, to the Board Chair. The County Manager or Board Chair shall

investigate the matter and make a determination as to whether or not an actual or potential conflict exists. If the County Manager or Board Chair determines a conflict exists, it shall be presumed that the continuation of the practice would be injurious to the effectiveness of the official or employee in carrying out his/her duties and responsibilities. In such cases, the official or employee shall immediately terminate the conflicting activity or be subject to termination of employment or removal from office.

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

Any county employee who is found to have violated any provision of this Article will be subject to disciplinary action up to and including dismissal.

Section 5. Customer Service Policy

Pender County employees are expected to serve the public, business associates, clients and other employees with courtesy, respect, and professionalism. Providing good customer service is a primary responsibility for everyone employed at Pender County, as well as, for Pender County’s elected officials, contractors, vendors, volunteers and any person doing business for or with Pender County.

Citizens of Pender County and fellow employees are the customers we serve each day. Employees are expected to treat one another and members of the public with respect, courtesy and dignity even when there is a disagreement or conflict. Employees are expected to remember the following principles and conform behavior to these standards in the course of their everyday duties:

- A. We will greet our customers, both internal and external, in a courteous and professional manner.
- B. We will be respectful of all persons with whom we come into contact.
- C. We will listen effectively to our customers’ requests and promptly take the necessary actions to assist them.
- D. We will be considerate, cooperative and helpful to every staff member to assure quality services.

- E. We will hold ourselves and each other accountable for addressing inappropriate comments and behavior.
- F. Professional appearance goes hand in hand with employee behaviors.
- G. Behavior speaks as loudly as words. A pleasant expression, eye contact, and a sincere interest in each request go a long way toward fostering public confidence and projecting the integrity of Pender County.
- H. We will finish our encounters with our customers, both internal and external, in a courteous and professional manner.

Behavior not meeting these standards may result in disciplinary action in accordance with Pender County's Employee Human Resources Policies.

When a situation escalates, however, either in-person or via phone, the employee should politely end the conversation and refer the party to another staff member or their immediate supervisor.

ARTICLE VI – CLASSIFICATION PLAN

Section 1. Adoption of the Classification Plan

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

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

Section 2. Allocation of Positions

The County Manager, upon the recommendation of the Human Resources Director, shall approve the allocation of each position covered by the position classification plan to its appropriate class.

Section 3. Maintenance of the Classification Plan

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

When the Human Resources Director determines through job audit and/or job evaluation that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, a recommendation will be prepared for the County Manager to do one of the following:

- A. revise or reassign the existing position to the appropriate job class within the existing classification plan,

- B. amend the classification plan by establishing a new job class to which the position may be assigned, or
- C. to take other action as needed.

Human Resources will maintain all official class descriptions for all County positions and position descriptions for all positions. Human Resources will maintain a record of all budgeted and authorized positions.

Section 4. Classification of New Positions

The Human Resources Director, as directed by the County Manager, is responsible for reviewing and making recommendations to assign a new position to an existing job class or to a newly created job class. The recommendation must consider documentation furnished by the Department Manager outlining the duties, responsibilities, typical tasks, and qualifications proposed for the position and the results of a job audit and job evaluation to be conducted by the Human Resources Director or a designee.

Section 5. Amendment of the Classification Plan

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

Section 6. Administration

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

ARTICLE VII – COMPENSATION PLAN

Section 1. Coverage of the Compensation Plan

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

Section 2. Compensation Plan

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

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

The compensation plan will consist of salary grades with an established minimum, and maximum rate. The compensation plan will also consist of graduated steps within the minimum and maximum range. Position classifications will be placed in a salary grade based on the formal job evaluation ranking of the position classification and upon market considerations. A performance evaluation may be a component of the County's compensation program as well as the basis for employee development. Employees may receive merit increases within their assigned salary grade based on the results of individual employee performance evaluation score when funding is available. The compensation plan will be reviewed and evaluated on an annual basis. Overall compensation (pay and benefits) may be limited by budgetary constraints and be structured accordingly. Nothing contained herein shall be deemed to override the Budgetary authority of the County Commissioners.

Section 3. Maintenance of the Compensation Plan

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

determines through periodic market analysis and/or salary surveys that a reasonable change has occurred in the pay level of an existing position, a recommendation may be prepared for the County Manager to present to the Board of Commissioners to revise or reassign the respective position to the appropriate pay range within the existing pay range table, or to take other action as needed.

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

Section 4. Transition to a New Pay Plan

The pay plan shall consist of one or more salary schedules. Each classified and evaluated position has a pay grade with a range including a minimum rate of pay and a maximum rate of pay. The following three (3) principles shall govern the transition to a new compensation plan:

- A. No employee shall receive a pay reduction as a result of the transition to a new compensation plan.
- B. Employees being paid at a rate lower than the minimum wage rate for their position classification in the new compensation plan shall receive an increase to the minimum of the new pay grade.
- C. Employees being paid at a rate above the maximum rate established for their position classification shall have their wage frozen at that level until such time as the maximum rate for their position equals the employee's wage.

Section 5. Payment at Listed Rate

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

Section 6. Rate of Pay upon Hire

Employees shall be hired at the minimum rate of the salary grade assigned to their position classification. Appointments above the minimum rate of the salary grade may be made with the approval of the County Manager, when deemed necessary to serve the best interests of the County, based on such factors as qualifications or prior experience of the applicant, a shortage of qualified applicants available at the minimum rate, or the refusal of qualified applicants to accept employment at the minimum rate. No new hire salary may exceed the maximum range of the salary grade.

Section 7. Salary of Trainee

- A. An applicant hired or an employee promoted to a position in a higher class, who does not meet all the established requirements of the position, may be appointed at a rate in the compensation plan below the minimum pay grade established for the position. In such cases, a plan for training, including a time schedule, will be prepared and submitted to Human Resources for retention in the employee's official personnel file.
- B. Trainee salaries shall be five (5) percent below the minimum salary established for the position for which the person is being trained. The training salary will remain in effect until the Department Manager determines that the trainee is qualified to assume the full responsibilities of the position. The Department Manager will develop a training plan for each trainee and will review the trainee's progress monthly, or more frequently as necessary, to determine when the trainee is qualified to assume the full responsibilities of the position. In no event will an employee remain in a trainee status for longer than one (1) year, unless preempted by the specific approved job specification. Approved leave without pay shall not count as time worked toward meeting the minimum requirements for the position. All reviews will be forwarded to Human Resources for retention in the employee's official personnel file.

Section 8. Pay for Performance

- A. The Human Resources Director, as directed by the County Manager, is responsible for the administration and maintenance of a pay for performance plan when funding allows. A standardized performance evaluation system is encouraged but it is recognized that those employees evaluated by a governing board may be evaluated using a different form. All employees except elected officials shall receive an annual evaluation on a date to be determined by the County Manager or the governing board conducting the evaluation. The Board of County Commissioners will review the pay for performance adjustment amount annually and consider recommendations from the County Manager to adjust the pay for performance plan as needed to reward County employees who are performing at levels that qualify for a pay for performance increase. This review will take into consideration the financial conditions of the County. All employees may not receive a pay for performance increase or the same total dollar amount of increase.
- B. In order to be eligible to receive a pay for performance increase, each eligible employee must first receive an employee performance evaluation to be conducted by their supervisor or governing board, where applicable. All employees, except seasonal and temporary employees and elected officials, will be eligible for pay for performance appraisals. Employees that receive a marginal or unacceptable performance appraisal will not receive any pay for performance increase for that review period, and will not receive any cost of living adjustment for the next fiscal year unless they successfully complete a Performance Improvement Plan and receive a satisfactory or better performance

rating prior to the beginning of the next fiscal year. Successful completion of a Performance Improvement Plan will not result in the employee receiving a pay for performance adjustment for the prior evaluation period.

Section 9. Annual Pay Rate Adjustments

- A. The County Board of Commissioners will review the pay plan annually and consider recommendations from the County Manager to adjust the pay plan or pay ranges within the pay plan as needed to reflect changes in the cost of living, to maintain pay rates for County positions at a level comparable with rates paid by other public and private employers, and to take into account the financial conditions of the County. The County will use the data published by the U.S. Department of Labor, Bureau of Labor Statistics and other prevailing scientific data.
- B. It shall be the policy of the County to annually review the compensation of its elected officials (Sheriff, Register of Deeds, and County Commissioners) by adjusting the base salary of each official by the combination of the amount of the annual Cost of Living adjustment budgeted annually by the County Commissioners for all other County employees and the established annual target pay for performance adjustment, when applicable, for all County employees as authorized by the County Commissioners in its annual budget approval process. The intent of this action is to assure the compensation for all the County's elected officials remains consistent with those of other government jurisdictions of comparable size and structure.

Section 10. Salary Adjustments

The County Manager shall be responsible for implementing all salary adjustments. Employees shall be advised of all salary adjustments.

- A. Salary adjustments may occur as a result of the following:
 - 1. **Merit-based Increase:** A merit increase is awarded in conjunction with the County's pay for performance system. Merit-based increases are effective on the date determined by the County Manager. Merit increases are based on individual employees' performance evaluation ratings. All documentation must be received before the payroll deadline date that is 5:00 PM on the last Friday of the pay period in which the increase is due.
 - 2. **Promotion:** An employee who is promoted to a position classification with a higher salary grade may receive up to a ten (10) percent pay increase in base pay or an increase to the minimum rate of the new pay range, whichever is higher, as long as the increase is consistent with the compensation plan, and the new pay rate does not exceed the maximum pay rate established for the pay range. Pay increases that exceed the minimum of the new pay range, or ten (10) percent, whichever is higher, but do not exceed the maximum pay rate established for the new pay range, can be approved by the County Manager if

written documentation is provided to justify the increase by the Department Manager.

3. **Demotion:** An employee may receive a decrease in salary due to a demotion to a lower salary grade as determined by the Department Manager subject to review and approval by the County Manager. The new salary must fall within the range of the new position classification.
4. **Negotiated Increase:** Other salary increases may be granted with the approval of the County Manager. The County Manager may increase the annual salary of an employee when the employee's position is known to be one that is hard to fill or the market rate exceeds the current rate of pay. The salary increase may not exceed the maximum of the salary range and must be within the current budget.
5. **Voluntary Reassignment:** An employee voluntarily transferring from a position in one class to a position in another class assigned to the same pay range will continue to receive the same salary. When an employee is temporarily transferred from a position in one class to a position assigned to a higher class, the employee may be paid at a higher rate as long as the temporary transfer is in effect. The rate of pay for an employee who requests a voluntary demotion to a job class assigned to a lower pay range will be set at the equivalent rate in the new pay range provided that does not exceed the rate at which the employee was paid in the position from which the employee was voluntarily reassigned. For example, if the employee was paid at 110% of the minimum of the previous pay range, the new pay rate will be 110% of the minimum of the new pay range. If an employee requests a voluntary reassignment to the same vacant position as held previously within six (6) months of a transfer or promotion, it is at the discretion of the Department Manager and approval of the County Manager that the individual may resume their previous position at the same rate of pay as held previously in that position.
6. **Reclassification:** When a position is reclassified to a higher class, the County Manager has the discretion to adjust the salary upward, provided that the adjusted salary does not exceed the maximum of the new salary range, or to leave the salary unchanged except when the salary is below the minimum of the new grade in which case the salary shall be brought up to the minimum of the new salary grade. If the position is reclassified to a lower pay grade and the employee is receiving a salary above the maximum rate established for the new class, the employee's pay will be reduced to the maximum rate established for the new class and maintained at that level until such time as the pay range to which the employee's job class is assigned increases.
7. **Trainee/Work-against to Full Class:** When an employee in a trainee/work-against status meets the minimum requirements for the position (full class), the salary shall be adjusted upward to the minimum of the position classification's salary range, unless otherwise negotiated at the time of hire.

8. **Transfer:** The County Manager may adjust the salary of an employee transferred to a new position within the range as recommended by the Department Manager subject to review and approval.
9. **Cost-of-living Increase:** The Board of Commissioners may grant all regular and permanent employees and/or others a cost-of-living adjustment each fiscal year based on the recommendation of the County Manager based on funds availability.
10. **Interim Appointments:** Employees serving in an interim or acting capacity may receive up to a twenty (20) percent pay increase in base pay or an increase to the minimum rate of the new pay range, whichever is higher, as long as the increase is consistent with the pay plan, and the new pay rate does not exceed the maximum pay rate established for the pay range. Any increase received by an employee for functioning in an interim or acting capacity will cease when the employee no longer functions in that capacity.
11. **Furlough:** In cases where there are insufficient funds to meet payroll, the County Manager has the authority to place employees in a leave without pay status.

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

- B. Merit and/or pay increases as a result of pay grade reclassifications/promotion will be made on a percentage basis, as applicable and as approved by the Board of County Commissioners and recommended by the County Manager.
 1. The total amount budgeted for pay increases as a result of pay grade reclassification, promotion, merit or cost-of-living is based on market studies and is a percent target, exclusive of approved service options.
 2. Employees who have served the County in a regular position for twelve (12) months or greater shall be eligible to receive not more than a six (6) percent increase in salary as a result of pay grade reclassification/promotion or be paid at the minimum of the new pay grade, whichever is greater with the recommendation of the Department Manager and approval of the County Manager unless otherwise authorized by the County Manager. Such pay increase shall be made on the first full pay period after reclassification and shall not change the employee's merit pay evaluation date unless the employee's supervisor changes.
 3. Employees who have served the County in a regular position for less than twelve (12) months shall be eligible to receive not more than a three (3)

- percent increase in salary as a result of pay grade reclassification/promotion or be paid at the minimum of the new pay grade, whichever is greater with the recommendation of the Department Manager and approval of the County Manager unless otherwise authorized by the County Manager. Such pay increase shall be made on the first full pay period after reclassification and shall change the employees' merit evaluation date to twelve (12) months after the first full pay period.
4. The maximum combined merit increase and increase as a result of pay grade reclassification/promotion which any individual employee can receive is six (6) percent, or to the minimum of the new pay grade, whichever is greater unless otherwise authorized by the County Manager. The only exceptions to this limitation would be where elected officials (Sheriff/Register of Deeds) make adjustments based on workload as approved by the Board of County Commissioners and recommended by the County Manager.
 5. Regular employees who have worked for the County for at least twelve (12) consecutive months shall receive an annual performance evaluation on a date to be determined by the County Manager. The exceptions to the administration of this policy are:
 - A. Employees who have been promoted, demoted, transferred or otherwise changed employment status with a salary change and a supervisor change during the prior twelve (12) month period and as a consequence, experience a change in their anniversary date(s). These employees will be evaluated on their new anniversary date(s).
 - B. Elected and appointed officials are encouraged to conduct evaluations in accordance with the County's evaluation schedule for other departments.
 - C. The County has standardized electronic performance appraisal forms and instructions on their use. All must use these forms in order to be eligible to receive a raise with the exception of elected officials and appointed employees.
 6. No pay increase shall exceed the maximum of the respective pay grade.
 7. All pay increases are subject to the approval of the County Manager and must be within the approved budget of the respective department.
 8. In lieu of a merit pay increase, the County Manager may recommend a one-time bonus for merit. The Board of Commissioners will approve the bonus plan as part of the Budget Ordinance. The County Manager shall be responsible for developing procedures for implementing the merit bonus plan once the Board of County Commissioners approves the budget. Bonus pay is

not considered a part of annual pay for reclassification and pay purposes, nor is it to be recorded in personnel records as part of the annual base salary.

Section 11. Part-time and Temporary Employee Compensation

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

Section 12. Overtime Pay and Compensatory Time

It is Pender County's policy to comply with the provisions of the Fair Labor Standards Act (FLSA) and to prohibit improper deductions from pay, whether for lack of work or for any other reason. The Human Resources Director is assigned responsibility to designate each County job class as exempt or non-exempt in accordance with the provisions of the Fair Labor Standards Act (FLSA).

All prohibitions of retaliation and discrimination specifically set forth in 29 U.S.C. 215 will be strictly adhered to by all agents of the County. Employees in an exempt job class will not be compensated in any way for hours worked over 40 hours in a workweek. Non-exempt employees are strictly prohibited from volunteering to work overtime without receiving compensation.

It is the policy of Pender County that wherever possible, that overtime work performed by non-exempt employees shall be compensated with time and a half compensatory time.

A. **Hours Worked:** Hours worked is the time for which an employee is entitled to compensation under the FLSA. The following further expands on what is and is not considered hours worked for the purpose of calculating overtime compensation:

1. Vacation, sick, compensatory time, holiday leave and unpaid meal breaks will not be considered hours worked for FLSA purposes.
2. Training-related time, either to increase efficiency or as required by the employer, is counted as hours worked. Time relating to training and educational seminars attended voluntarily by the employee that are not related to the performance of job duties is not considered hours worked.
3. Time spent by an employee during the regular workday adjusting a grievance under the County grievance policy is considered hours worked.
4. All travel time that is required by the County other than the normal commuting time between home and job is considered hours worked.

5. Paid rest breaks held in accordance with these employee personnel policies are considered hours worked.
- B. All employees in a non-exempt job class will earn compensatory time at the rate of one and one-half (1 ½) hours for each hour worked over forty (40) in a workweek. Annual leave, holidays, sick leave or any other paid leave time do not toward “hours worked” for purposes of computing overtime or compensatory time.
- C. For information regarding overtime compensation, please see [Article II Section 18](#) and [Article II Section 20](#).
- D. The employee’s Department Manager or a supervisor who has been designated by the Department Manager to make such decisions must authorize all overtime and compensatory time in advance. The County has the right to adjust work schedules to stay within the budget constraints. Accumulated compensatory time shall not be converted to any other form of paid leave or donated as shared leave.

Employees may request and use compensatory leave time off in the same manner as other leave requests. Compensatory time shall be exhausted before any other type of paid leave can be used. Employees shall be permitted to use such time off within a “reasonable period” if the use of the compensatory time off does not “unduly disrupt” the operations of the department. Department Managers will be responsible for administering the compensatory policy by allowing employees to take accrued compensatory time in a timely manner so that compensatory time will not accrue to excessive levels. In an effort to avoid the 240 compensatory time limit established by FLSA, any compensatory balance over 180 will be paid out to a zero balance. All compensatory time shall be marked as such on official timesheets, both when it is earned and when it is taken. The employee will be responsible for providing an accurate accounting of compensatory time earned and taken, and the Department Manager, or their designee, will sign off on all timesheets with compensatory time entries. The Finance Office maintains compensatory time records.

- E. **Exempt Employees:** FLSA exempt employees may not receive compensatory time for working beyond forty (40) hours in a single workweek. Department Managers may award administrative leave time to exempt employees only if they are working beyond fifty (50) hours in a workweek due to a project with time constraints or an emergency. The amount of administrative leave time that may be awarded shall not be in excess of one-half (1/2) the hours worked beyond fifty. Exempt employee administrative leave time is not paid out for any reason and is expected to be used within a 30 day period of award unless otherwise requested.
- F. **Overtime Payments:** The County Manager or the manager’s designee may authorize payment of overtime when the maximum compensatory time accumulation has been reached or in emergency situations. Employees or classes of employees may be granted standing authorization for overtime payments by written authorization of the County Manager or the manager’s designee. All compensatory

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

Section 13. Payroll Deductions

Only payroll deductions specifically mandated or authorized by applicable federal and state laws and regulations or approved by the County Board of Commissioners may be deducted from employee pay each pay period. The employee must authorize all voluntary deductions. Deductions which are required by law shall be deducted from employees' pay and shall include:

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

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

Section 14. Advance on Wages

There shall be no advance on wages and no paycheck will be released early.

Section 15. Longevity Pay

In addition to regular wages, a longevity payment will be made annually in recognition of long-term service of regular or permanent full-time employees who have served at least five (5) continuous years with Pender County in a regular or permanent full-time position. Annual longevity pay amounts are calculated based upon the length of continuous Pender County service and a percentage of the employee's annual rate of base pay on the date of eligibility. Longevity rates are as follows:

Years of Continuous Service	Longevity Pay Rate
5 years but less than 10 years	1.00%
10 years but less than 15 years	1.50%
15 years but less than 20 years	2.25%
20 years but less than 25 years	3.25%
25 or more years	4.50%

Employees must be actively employed by Pender County on their eligibility date (hire date) to receive longevity pay. Longevity pay is not considered a part of annual pay for

reclassification and pay purposes, nor is it to be recorded in personnel records as a part of the annual base salary. For employees hired after July 1, 2006, the longevity pay benefit is a form of current compensation that may be changed or eliminated at any time in the sole discretion of the governing board.

Section 16. Salary at Separation

The final check received by the employee will include eligible vacation leave, unused compensatory time for non-exempt employees, and other pay as applicable and will be received on the payday following the pay period including the termination effective date. An employee who separates employment with the County will receive a reduction in final pay if there is a negative balance in sick leave, vacation leave or compensatory leave. The final check will be direct-deposited as usual unless the employee has outstanding debts that have not been settled. For employees hired prior to March 6, 2000, who have been employed with Pender County for five (5) years see [Article VIII Section 3](#) regarding sick leave.

NOTE: See [Article IX Section 10](#) regarding 401k contributions at separation.

Section 17. Time Records

Time records must be submitted on a timely basis for each respective pay period. It is the employee's responsibility to provide a true and accurate time record for each pay period. It is the responsibility of the employee's supervisor to verify and approve time records for each pay period. Falsification or misrepresentation of time records may result in disciplinary action, up to and including dismissal.

Section 18. Pay Periods

Employees are paid on a bi-weekly basis every other Friday for the previous pay period. When a payday falls on a holiday, employees shall be paid on the preceding workday. Employees that have discrepancies in their pay are to report the discrepancy to their supervisor immediately. The County requires all employees hired after January 1, 2001, to receive payment in electronic format or direct deposit.

Section 19. On-Call

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

ARTICLE VIII – EMPLOYEE LEAVE BENEFITS

Section 1. Holidays

The following holidays and such others as the Board of County Commissioners may designate shall be observed by the County. The County shall observe the holiday on the same day as the State.

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Good Friday
- Easter Monday
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Wednesday, Thanksgiving Day and Thanksgiving Friday
- Christmas Day plus two (2) additional days according to the following schedule:

When Christmas is on the following day	County Employees Observe These Days
Sunday	December 23, 26 and 27 (Friday, Monday, Tuesday)
Monday	December 25, 26 and 27 (Monday, Tuesday, Wednesday)
Tuesday	December 24, 25 and 26 (Monday, Tuesday, Wednesday)
Wednesday	December 25, 26 and 27 (Wednesday, Thursday, Friday)
Thursday	December 24, 25 and 26 (Wednesday, Thursday, Friday)
Friday	December 24, 25 and 28 (Thursday, Friday, Monday)
Saturday	December 23, 24 and 27 (Thursday, Friday, Monday)

The Board of County Commissioners may adjust the holiday schedule as deemed necessary. It is the County's intent to ensure that regular, probationary and trainee full-time employees receive fifteen (15) paid holidays, equivalent to one hundred twenty (120) hours annually. Any holiday falling on Saturday or Sunday will be observed on Friday or Monday pursuant to the determination of the County Board of Commissioners. If employees are assigned to a work schedule other than Monday to Friday, the holiday will be observed the day on which it actually occurs. Employees, who are required to work on a scheduled holiday, will, at the discretion of the Department Manager, receive payment for the holiday, or receive an equivalent day off to be taken on a later date. Under no circumstances will an employee receive payment for a holiday and an equivalent day off. Specific departments, such as the Sheriff's Department, may bank unused holiday hours, but holiday hours must be paid out or used by the end of the fiscal year in which they were earned. Holiday hour payouts will be calculated and paid prior to applying a COLA, if any, to the employee's annual salary. Regular, probationary and trainee part-time employees that work twenty-four (24) hours or more per week will receive paid holidays on a pro-rata basis. Temporary and seasonal employees are not eligible for paid holidays.

The Department Manager will determine if the employee will receive payment rather than an equivalent day off. If the employee receives payment it will consist of eight (8) hours of holiday pay plus hour-for-hour compensation for all hours worked on the holiday which is subject to prior authorization of their supervisor. Eligible part-time employees that work twenty-four (24) hours or more per week will receive pro-rata holiday pay based on their regular work schedule. In cases where the holiday extends a full-time non-exempt employee beyond the normal forty (40) hour workweek, pay will be calculated on the number of hours actually worked, and overtime will be paid or compensatory time will be granted if the employee actually works over forty (40) hours in a workweek. A non-exempt employee who works forty (40) hours in a work-week will be paid forty (40) hours at the regular rate of pay and will receive eight (8) hours of holiday pay at the regular hourly rate. A full-time, non-exempt employee that normally works a regularly scheduled alternative shift, which is defined as a regularly scheduled shift that is fixed and exceeds eight (8) hours, will receive holiday pay at the number of hours of the regularly scheduled alternative shift.

Regular holidays that occur during a vacation, sick or other paid leave period will not be charged as vacation, sick, or other paid leave. In order to receive holiday pay, an employee must work on the last scheduled workday before and the first scheduled workday after the holiday, unless the employee is on paid vacation leave, paid sick leave, other paid leave status or is retiring.

Section 2. Vacation Leave

Vacation leave is a benefit granted by the Board of County Commissioners to eligible employees. Vacation leave is earned by regular, probationary and trainee full-time and part-time employees that work twenty-four (24) hours or more per week working each pay period based on years of service to the County. Temporary and seasonal employees are not eligible for vacation benefits. Eligible employees begin accruing vacation leave on the employee's hire date. The following chart provides the rate at which full-time employees earn vacation leave each pay period and annually. Part-time employees that work twenty-four (24) hours or more per week accrue vacation on a pro-rata basis.

Years of Continuous Service	Hours Earned Each Pay Period	Approximate Hours of Full-time Annual Vacation Earned	Approximate Number of Days
Less than 2 years	3.0769	80	10
2 years, but less than 5 years	3.6923	96	12
5 years, but less than 10 years	4.6154	120	15
10 years, but less than 15 years	5.5385	144	18
15 years through 20 years	6.4615	168	21
20 years and over	7.3846	192	24

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

- A. **Taking Vacation Leave:** Vacation leave may be taken in units of fifteen (15) minutes and may be used within the pay period in which it is accrued. Requests are subject to eligibility and the approval of the supervisor. Each department is responsible for scheduling employee vacation leave without undue disruption of department operations. Leave requests shall be submitted as early as possible, or at the direction of the Department Manager. Vacation leave requests of an emergency nature must be made by the employee and approved by the supervisor within 30 minutes of the beginning of the workday or shift. Vacation may be used as sick leave when sick leave has been exhausted and must be used in the same manner as accrued sick leave. See [Article VIII Section 3](#)

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

- B. **Maximum Accumulation and Vacation Leave Transfer:** The maximum accumulation of accrued vacation leave for any eligible employee is two hundred and forty (240) hours in any given time period. If an employee has accrued vacation leave in excess of the allowed maximum accumulation amount, the employee's excess vacation leave will be converted bi-weekly as payroll is processed and will be converted to sick leave on an hour for hour basis. The converted sick leave must be used in the same manner as accrued sick leave. See [Article VIII Section 3](#) An employee who must retire due to a disability may transfer vacation leave to sick leave and exhaust all leave prior to the effective date of separation.
- C. **Payout of Accumulated Vacation Leave:** An eligible employee who is separated for reasons other than failure in performance of duties or personal conduct shall be paid for vacation leave accrued to the date of separation not to exceed a maximum of two hundred and forty (240) hours. Employees that separate as a result of failure in performance of duties or personal conduct forfeit all unpaid accrued vacation leave. If an employee resigns without giving a proper two (2) week notice, the employee forfeits all unpaid accrued vacation leave. The estate or designated beneficiary of an eligible employee who deceases while employed by the County shall be entitled to payment for all the unpaid accrued vacation leave, not to exceed a maximum of two hundred and forty (240) hours, at the time of death. Under this subsection, all accrued vacation leave in excess of two hundred and forty (240) hours is forfeited resulting in a zero balance for any employee terminated for cause or a deceased employee.

Section 3. Sick Leave

Sick leave is a benefit granted by the Board of County Commissioners to regular, probationary and trainee status employees. Eligible full-time employees accumulate sick leave at a rate of 3.688 hours for each pay period worked up to a maximum of ninety-six (96) hours per year. Eligible part-time employees that work twenty-four (24) hours or more per week earn sick leave on a pro-rata basis. Sick leave is cumulative indefinitely. Eligible employees begin accruing sick leave on their hire date. Temporary and seasonal employees do not earn sick leave benefits. Payment for all unpaid accrued sick leave is forfeited upon separation of employment with the County with the exception of employees hired prior to March 6, 2000, or if separation is due to retirement. See [Article VIII Section 3 Subsection E](#) Payout of Accumulated Sick Leave. Sick leave shall not be advanced to any employee. Abuse of sick leave is just cause for disciplinary action. Human Resources shall be responsible for maintaining a record of sick leave for each employee. Supervisors are required to provide employee sick leave records in a timely fashion.

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

Sick leave may be taken in units of fifteen (15) minutes and may be used within the pay period in which it is accrued. Sick leave will be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examination or treatment or exposure to a contagious disease when continuing work might jeopardize the health of others. Sick leave may be used when an employee must care for a member of the immediate family. Immediate family for the purposes of this policy means: spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, plus the various combinations of half, step, in-law and adopted relationships that can be derived from these named.

Employees who have a death in their immediate family as defined in this Section may take up to three (3) days of sick leave for any one occurrence. The Department Manager must approve an absence in excess of three (3) days. All benefits to which an employee is entitled continue to accrue while an employee is out of work on sick leave.

- B. **Sick Leave - Physician's Certificate:** The employee's supervisor or Department Manager may require a physician's certificate concerning the nature of the illness and the employee's physical capacity to resume duties for each occasion on which an employee uses sick leave in excess of three (3) days. Any restrictions of duty must be prescribed in detail by the employee's physician and

submitted on the treating physician's letterhead. The supervisor or Department Manager may also require a physician's certificate for less than three (3) days if they suspect abuse of sick leave privileges. The employee shall have fifteen (15) days to provide a medical certification and if the employee fails to provide the medical certification within the allowable time, the absence will be considered unexcused; the absence will be counted as leave without pay, even if the employee has sufficient leave to cover the absence. The employee may be subject to disciplinary action for such absences. Supervisors and Department Managers will submit all physician certificates and other medical data pertaining to an employee to Human Resources.

- C. **Sick Leave - Retirement Credit for Accumulated Sick Leave:** One (1) month of retirement credit is allowed for each twenty (20) days accrued in an employee's sick leave account at the time of retirement to employees who are members of the North Carolina Local Governmental Employees Retirement System. Sick leave shall accumulate with no maximum accumulation, and may be used as credit for service under the North Carolina Local Governmental Employees Retirement System, in accordance with all rules and regulations.
- D. **Reinstatement and Transfer of Sick Leave:** Employees hired by the County, whose immediate past employer within the last ninety (90) days was the State of North Carolina, any of its political subdivisions, any local government entity or authority, or municipality in North Carolina, may transfer to the County any unused sick leave, provided the employee has not requested or is receiving, retirement benefits from the North Carolina Retirement System. The employee must request this transfer within ninety (90) days of the beginning of employment with Pender County, and it is the responsibility of the employee to provide bonafide documentation of the amount of unused sick leave from the immediate past employer. Upon verification of the unused sick leave by Human Resources, the employee will be credited with the transferred sick leave. Transferred sick leave can be used in the same manner as sick leave earned in the scope of employment with Pender County.

A former employee who is re-employed by the County within five (5) years from the date of separation shall be credited with the balance of sick leave at the time of separation, except when the employee retired under the North Carolina Retirement System and the sick leave was credited towards service time for the purposes of retirement.

- E. **Payout of Accumulated Sick Leave:** All unused sick leave is forfeited upon separation of employment, except when separation is due to retirement or the provisions of [Article VIII Section 3 Subsection D](#) Reinstatement and Transfer of Sick Leave. Employees hired prior to March 6, 2000, who have been with Pender County for five (5) years shall have the option of being paid for twenty-five (25) percent of accumulated sick leave.

Section 4. Cascading Leave Policy

Employee leave benefits shall cascade in the following order, each leave type being fully exhausted before the subsequent is entered: holiday, compensatory time, vacation leave or sick leave if applicable.

Section 5. Family and Medical Leave Act (FMLA)

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

- A. **Entitlement to FMLA Leave:** In general, the FMLA provides an eligible employee up to twelve (12) weeks of unpaid leave within any twelve (12) month period for:
1. Birth, adoption, or foster care placement of a child. An employee must conclude leave for the birth or placement of a child or adoption or foster care within twelve (12) months after the event. FMLA leave may begin prior to birth or placement, as circumstances dictate,
 2. to provide physical or psychological care for a child, spouse or parent with a serious health condition (a child, for the purposes of FMLA leave, is either under the age of 18 or is over the age of 18 but incapable of self-care due to a physical or mental disability that substantially limits one or more major life),
 3. to care for the employee's own serious health condition, or
 4. for qualifying military exigencies arising from the fact the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call to active duty as a member of the Armed Forces including the National Guard or Reserves in support of a contingency operation as defined in Section 101(a)(13) of Title 10, United States Code.
- B. **Eligibility:** To be eligible for FMLA, an employee must have worked for the County for 12 (twelve) months or fifty-two (52) weeks. The twelve (12) months or fifty-two (52) weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven (7) years. Separate periods of employment will be counted if the break in service exceeds seven (7) years due to National Guard or Reserve military service obligations. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week. The employee must have worked one thousand two

hundred and fifty (1,250) hours or more during the immediate twelve (12) months prior to requesting leave. Vacation, sick, holiday, Workers' Compensation and other forms of leave are not considered hours worked for the purpose of calculating FMLA eligibility.

The County has designated that eligibility for FMLA leave shall be determined using a 12-month period measured forward from the date an employee first took FMLA leave, with the exception of Military Caregiver Leave.

C. Qualifying for Leave for the Employee's Own Serious Health Condition: To qualify for medical leave, the employee must have a serious health condition that involves:

1. Inpatient care in a medical care facility, including any period of incapacity or inability to work or perform other regular daily activities, or subsequent treatment in connection with such inpatient care.
2. Continuing treatment by a healthcare provider which includes:
 - i. A period of incapacity lasting more than three (3) full consecutive calendar days and any treatment relating to this condition that includes treatment two (2) or more times by a healthcare provider (in-person visits beginning within seven (7) days and concluding within thirty (30) days of the first day of incapacity) or one (1) treatment by a healthcare provider with a continuing regimen of treatment such as prescription medication or physical therapy,
 - ii. Periods of incapacity related to pregnancy or for prenatal care,
 - iii. Periods of incapacity or treatment for a chronic condition which continues over an extended period of time that requires visits at least twice per year to a healthcare provider,
 - iv. Periods of incapacity that are permanent or long-term due to a condition for which treatment is not effective but is under the supervision of a healthcare provider, or
 - v. Absences to receive multiple treatments for restorative surgery or for a condition that may result in a period of incapacity of more than three (3) days if not treated.

D. Military Caregiver Leave: Any person who believes that he or she is entitled to Military Caregiver leave under the FMLA should contact the Human Resources department.

- E. **Qualifying Military Exigencies:** Any person who believes that he or she is entitled to leave due to Qualifying Military Exigencies under the FMLA should contact the Human Resources department.
- F. **Intermittent or Reduced Leave:** In case of the employee's own serious health condition or that of a family member, the employee may take leave intermittently or on a reduced work schedule, if medically necessary. Leave may also be taken intermittently to care for a covered servicemember with a serious injury or illness, or for a qualifying military exigency arising out of the active duty status or call to active duty of a covered servicemember. When the leave is for adoption or the birth of a child, the employee may take leave intermittently or on a reduced work schedule only with the joint approval of the employee and the Department Manager, subject to approval by the Human Resources Director and County Manager. If the employee requests intermittent or reduced leave status, the County may temporarily transfer the employee to another position of equivalent pay and benefits in order to better accommodate the leave.
- G. **Use of Paid Time-Off Benefits:** The employee shall be required to use accumulated paid benefits, such as vacation leave, sick leave or compensatory time, for the unpaid time off in accordance with the County's policy regarding the use of such benefits. Use of paid time-off benefits as well as Workers' Compensation periods will run concurrently with FMLA leave and will not add to or increase the total length of the FMLA leave time.
- In the event that the employee taking FMLA has no accumulated leave benefits to use, the employee's pay will be reduced for all hours of leave taken within a single day. If the employee is an exempt employee, the reduction in pay for partial days will not impact the exempt status under the Fair Labor Standards Act because the County is a public employer who is expected to maintain fiscal integrity and has a sick leave pay plan established by resolution (this Article). See 29 C.F.R. §541.710.
- H. **Leave Provisions for Spouses Both Working for the County:** If leave is taken for the adoption or birth of a healthy child, or care of a sick parent, the maximum combined leave for both spouses is twelve (12) weeks (or twenty-six (26) weeks if leave is taken for the care of a sick or injured covered service member). If leave is taken to care for an ill child or spouse, each spouse is entitled to twelve (12) total weeks of leave.
- I. **Job Restoration:** Most employees granted FMLA leave will be reinstated to the same position held prior to the FMLA leave or one that is equivalent in pay, benefits, and other terms and conditions of employment. The employee's reinstatement rights are the same as they would have been had the employee not been on FMLA leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

Certain highly-compensated salaried employees (key employees) are eligible for leave but are not guaranteed restoration to their position if they choose to take leave.

If the employee fails to return from FMLA leave at the end of the twelve (12) week period, the employee will be reinstated to his/her same or similar position, only if available, in accordance with applicable laws. If the employee's same or similar position is not available, the employee may be terminated.

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

If the FMLA leave is unpaid, service and paid leave earnings cease (401K Match, retirement, vacation and sick leave accrual, etc.), as do non-health insurance contributions and deductions. Employees on unpaid FMLA leave are not treated as having a break in service for purposes of vesting or eligibility to participate in benefit programs. All service and paid leave accrual rates and balances in effect at the time of the start of an unpaid FMLA leave will resume upon the completion of the leave.

K. Notification:

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

(30) days after the employee provides notice. Employees shall submit their FMLA leave notice to their supervisor. If Information is not sufficient for Human Resources to make an FMLA leave eligibility determination, the employee is required to provide additional information.

2. If the employee needs to extend FMLA leave, the employee must notify the supervisor immediately and the supervisor is to notify Human Resources. Failure to return to work at the expiration of the approved leave period will be deemed a voluntary resignation without notice.
3. **Supervisor Responsibility:** The supervisor shall determine from each employee requesting leave the reason the leave is requested. If the employee fails to explain the reason leave is requested, the supervisor may deny leave. It is the responsibility of the supervisor to ensure qualifying leave is designated as FMLA leave. If the supervisor believes the reason for the leave may be a qualifying reason under FMLA, the supervisor shall consult with Human Resources in determining if the employee is eligible for FMLA leave. The supervisor will notify Human Resources as soon as possible but not later than twenty-four (24) hours when an employee is out on sick leave for five (5) days.
4. **County Responsibility:** When an employee requests FMLA leave or the County acquires knowledge that leave may be for FMLA purpose, the County must notify the employee of his or her eligibility to take leave, including a reason for the non-eligibility if the employee is determined not to be eligible. When the County has sufficient information to determine FMLA leave eligibility, the County will notify the employee that the leave is designated as FMLA leave. Such eligibility notice may be oral or written and should, generally, be given within five (5) business days of the request for FMLA leave. Subsequent eligibility notice in the same twelve (12) month period may be required when an employee's eligibility status changes. The County will inform the employee of their rights and responsibilities under FMLA, including giving specific written information on what is required of the employee and the amount of time that will be counted against the employee's FMLA leave entitlement.
5. Leave may not be designated as FMLA leave after the employee returns to work unless the supervisor or Human Resources does not learn of the reason for the leave until the employee returns to work or the leave has provisionally been designated as FMLA leave and is awaiting receipt from the employee of required certification information. If leave is designated as FMLA leave after the employee returns to work, such designation shall be made within two (2) workdays of the employee's return. An employee is not entitled to the protection of the FMLA if the employee gives notice of the reason for the leave later than two (2) workdays after returning to work.

L. **Certification:** Certification of the need for leave to care for the employee's illness or injury or that of a family member is required. The employee must complete a Certification of Physician or Practitioner form and obtain the following information from a responsible health care provider and make it available to the County within fifteen (15) calendar days from the date of their request for leave:

1. The date the serious health condition began,
2. The duration of the condition,
3. For leave to care for a covered servicemember with a serious injury or illness, a statement that the employee is needed to care for the covered servicemember, and the estimated length of the leave or a statement that the employee cannot perform the functions of his/her job, or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family,
4. If applicable, the medical reasons verifying the need for intermittent leave or a reduced work schedule, such as scheduled dates for treatment(s), or
5. If applicable, a copy of the covered service member's active duty orders and certification providing appropriate facts related to a qualifying military exigency for which an employee is seeking leave.
6. If no certification is provided, based on the information at hand, the County may not designate leave as qualifying as FMLA leave. If the County designates leave as qualifying as FMLA leave, the employee will be provided with a written notification of such designation. Human Resources reserves the right to contact the employee's health care provider to verify the authenticity of any certification that is received. If the employee does not provide certification, the absence will be considered unexcused and subject to disciplinary action.

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

N. **Release to Return to Work:** A physician's release is required for the employee to return from family/medical leave if the leave was for the employee's own serious health condition. Failure to provide a medical certificate of fitness for

duty may result in a denial of job reinstatement until medical certificate release is provided.

- O. **Problem Resolution:** It is the policy of Pender County not to discharge or discriminate against any employee exercising his/her rights under the FMLA. Any employee that feels he/she has been treated unfairly should contact the Human Resources Director or follow the Grievance Procedure detailed under [Article XIII](#) of this policy manual.

Section 6. Leave Without Pay

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

- A. **Requests for Leave Without Pay:** Requests for leave without pay must be submitted in writing to the employee's supervisor or Department Manager. If the Department Manager approves the leave, then the request will be forwarded to Human Resources and the County Manager for approval. The following requirements apply:
1. Leave may be granted to an employee for a period of up to a maximum of six (6) months upon the approval of the County Manager.
 2. Accrued leave must be exhausted prior to taking any leave without pay. If the leave without pay request does not follow the guidelines under [Article VIII Section 3](#) Sick Leave, accrued sick leave does not apply and does not have to be exhausted prior to leave without pay.
 3. An employee's vacation and sick leave accrual are suspended during the period of unpaid leave until the employee returns to work.
 4. Holiday pay is also suspended during the period of unpaid leave until the employee returns to work.
 5. Leave without pay will run concurrent with any eligible FMLA leave.
 6. An employee that fails to report promptly at the end of the unpaid leave, unless otherwise prohibited by law or regulation, is presumed to have resigned, except if the reasons for the delay are submitted in writing in advance and approved by the Department Manager and County Manager.
 7. While out on leave without pay, the employee is not earning compensation, therefore the Local Government Retirement System deductions will not be withheld during a period of leave without pay. If the employee was on leave without pay for Workers' Compensation or military

leave, when the employee returns to work, the employee may choose to purchase retirement credit from the Local Government Retirement System and would need to speak to the Human Resources to learn of the process.

- B. Benefit Premiums and Deductions:** Employees granted leave without pay are responsible for paying all benefit plan premiums, including the employee's health, dental and vision insurance costs and any other voluntary benefits that the employee has approved. Failure of the employee to pay any required benefit plan premium(s) timely will result in termination of the benefit due to non-payment of premium.

Section 7. Maximum Leave of Absence

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

With the exception of FMLA leave, an employee must request a leave of absence in writing from the employee's Department Manager. All requests for non-FMLA leave of absence require the affirmative recommendation of the Department Manager and the approval of the County Manager. During any period of leave exceeding twelve (12) weeks for FMLA (twenty-six (26) weeks for military caregiver FMLA leave), the County reserves the right to fill, change or eliminate a vacant position if required by the needs of the County. If the employee fails to return to work on the agreed date, the continued absence will be viewed as a voluntary resignation. If the leave of absence is unpaid, refer to [Article VIII Section 6](#) Leave Without Pay.

Section 8. Military Leave

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

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

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

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

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

Section 9. Civil Leave

Civil leave will be granted to regular employees who are summoned to attend court as a juror or witness, except when involved in personal litigation. A County employee called for jury duty or as a court witness for the federal or state governments or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated vacation or sick leave provided that the employee returns to work immediately upon release from court. Any court fees paid to the employee for jury duty must be remitted to County Finance unless the employee elects to take vacation leave for days served. When the judicial district compensates individuals for mileage, such payments shall be retained by the employee if vacation leave is taken and shall be remitted to the County and reimbursed to the employee by the County upon proper submission of a travel reimbursement if treated as a day worked.

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

Section 10. Community Service Leave

In recognition of the importance of parent involvement in schools, the County's diverse needs for volunteers to support schools, communities, citizens and non-profit organizations, and the commitment of Pender County employees to engage in volunteer service, Community Service Leave may be granted to eligible employees for:

- A. Parent involvement in schools.
- B. Volunteer activity in the schools or in a Community Service Organization.
- C. Tutoring and mentoring in the schools.
- D. Volunteering in a State of North Carolina Public University, Community College System or State agency provided that the service is outside of the employee's normal scope of duties and responsibilities and that the employee is not receiving any form of compensation for the services rendered.

Community Service Leave is a benefit granted by the Board of County Commissioners to regular full-time employees. Eligible employees are full-time employees who have completed their probationary period with the County. Eligible full-time employees are granted a maximum of eight (8) hours per calendar year. Eligible non-probationary part-time employees that work twenty-four (24) hours or more per week earn Community Service Leave on a pro-rata basis. Part-time, probationary, trainee status, temporary and seasonal employees are not granted Community Service Leave but are permitted four (4) hours of unpaid leave per calendar year for parent involvement in schools only.

A. Definitions for this Policy:

Term	Definition
School	A public or private elementary school, middle school, high school, or a child care program authorized to operate under the laws of the State of North Carolina (NC).
Public University	A constituent institution of the University of North Carolina.
Community College	An educational institution that is a member of the North Carolina Community College System.
State Agency	A State government agency that is authorized to operate under the laws of the State of NC
Child	A child is a son or daughter who is a biological child, an adopted child, a foster child, a stepchild, a legal ward, or a child for whom an employee is acting in the role of a parent.
Community Service Organization	A community service organization is a non-profit, non-partisan community organization within the State of North Carolina that is designated as an IRS Code 501(c)(3) agency, or a human service organization licensed or accredited to serve citizens with special needs including children, youth, and the elderly.

B. Community service, for this purpose, is:

1. Meeting with a teacher or administrator concerning the employee's child,
2. attending any function sponsored by the school in which the employee's child is participating. This provision shall only be utilized in conjunction with nonathletic programs that are a part or supplement to the school's academic or artistic program,
3. performing school-approved volunteer work approved by a teacher, school administrator, or program administrator,
4. performing a service for a community service organization;
5. performing volunteer work for a public university that is approved by a university administrator or other authorized university official;
6. performing volunteer work for a community college that is approved by a community college administrator or other authorized community college official, or
7. performing volunteer work for a State agency that is approved by the agency head or his/her designee.

C. Approval of Leave:

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

D. Unused Community Service Leave:

Leave not taken is forfeited; it shall not be carried into the next calendar year. Employees shall not be paid for this leave upon separation.

E. Partisan Political Involvement:

Partisan political activity during County time and the use of County equipment or supplies for any community service are not permitted. Special care must be taken to avoid any possible interpretation that the County is, in fact, permitting time off and in so doing supporting a political candidacy.

Section 11. Blood and Bone Marrow Donorship

Employees are encouraged to use the privilege and opportunities to participate in life-giving through blood and bone marrow donorship. Participating employees shall be given reasonable time off with pay for whole blood donation, pheresis procedure, and bone marrow transplant.

Section 12. Leave Transfer

- A. **Voluntary Shared Leave Program:** There are occurrences brought about by prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave-without-pay. It is recognized that such employees could be without income at a critical point in their life. It is also recognized that fellow employees may wish to donate some of their leave voluntarily so as to provide assistance to fellow employees. This policy provides an opportunity for employees to assist another affected by a medical condition that requires absence from duty for a prolonged period of time resulting in possible loss of income.

In cases of serious medical conditions, an eligible employee may apply for or be nominated to become a recipient of leave transferred from the vacation leave accounts of one (1) or more employees. For purposes of this policy, serious medical condition means the serious medical condition of an employee, an employee's spouse, or an employee's legally dependent child that is likely to require an employee's absence from duty for a prolonged period, generally considered to be at least ten (10) consecutive workdays. The medical condition must be non-work related and of a serious nature that prevents the employee from doing his or her job (i.e. heart attack, cancer, stroke, pregnancy-related complications, major muscle or bone injuries, and/or medically necessary operations). Generally, if an employee would qualify for family/medical leave, the employee will be considered to be eligible for the Shared Leave Program. The intent of this policy is to allow one (1) or more employees to assist another employee in cases of prolonged medical conditions that have resulted in the exhaustion of all earned leave.

To receive shared leave, an employee shall submit a request to his/her Department Manager, using the County's Shared Leave Request form. The Department Manager shall forward the request to Human Resources, indicating whether he/she recommends granting the request. If Human Resources approves the request, the Human Resources Director shall send a mass notification to all County employees (maintaining the anonymity of the recipient) that a request for shared leave has been approved. The notification shall not contain the name of the recipient nor any details of the reason for the request. The notification shall state that all donations are voluntary and should be sent directly to Human Resources. Once donations are received, Human Resources will transfer the leave from the donor to the recipient.

1. To be eligible for consideration to receive donated leave, the employee:

- i. Must have been employed at least one (1) year in a regular or permanent full-time position with the County, that is eligible to earn leave benefits;
 - ii. Will exhaust all sick, vacation and compensatory leave prior to returning to work;
 - iii. Will use donated leave for the sickness of the employee, the employee's spouse, or the employee's legally dependent children only;
 - iv. Should not have a history or pattern of abuse of leave.
- 2. Any regular Pender County employee may, at the employee's voluntary option, and with supervisory review and approval, transfer vacation leave to another regular or permanent Pender County employee. Compensatory time earned by non-exempt employees for working overtime may not be transferred under this program.
- 3. After the donation, the donating employee must still have a minimum balance of forty (40) hours of vacation leave and forty (40) hours of sick leave. Donors shall complete an authorization form designating the number of hours being donated. The employee must sign the form to authorize the transfer.
- 4. The employee receiving donated time will be given information on the amount of time donated, but will not receive information such as the names of donating employees. Leave time will be donated to the employee anonymously.
- 5. Leave sharing shall only be considered for extreme illness-related hardship situations or catastrophic situations.
- 6. Denial of a request to receive or donate shared leave is not grievable. The County Manager will render a final decision based upon the merits and circumstances of each request.
- 7. Leave sharing shall not be available to employees who are receiving Workers' Compensation.
- 8. Any donation of leave must be done strictly on a voluntary basis. Solicitation on the part of Department Managers or supervisors is not permitted.

9. The maximum amount of leave an employee can transfer in a calendar year is eighty (80) hours regardless of the number of employees donated to.
10. The maximum amount of shared leave an employee may receive in a calendar year is unlimited.
11. Donated leave may be taxable to the recipient. The dollar amount of any donated leave will be added to the recipient's W-2 as income and taxed appropriately.

B. Calculation of donated leave received. The amount of donated vacation leave that the receiving employee gets shall be calculated in this manner: The hourly rate of pay of the donating employee shall be divided by the hourly rate of pay of the receiving employee, and that figure shall be multiplied by the number of hours donated. The actual hours received shall be rounded off to the nearest whole number.

Example: John to donate 10 hours to Jane

\$52.35 (John's hourly pay rate)/**\$21.37** (Jane's hourly pay rate) = **\$2.44**

\$2.44 X's 10 hours donated = 24.49 hours or 24 hours of donated leave rounded to nearest whole number

ARTICLE IX – EMPLOYEE BENEFITS

Section 1. Benefits Programs

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

Section 2. Health Benefits

The County may offer health insurance to all full-time regular, permanent, trainee and probationary employees. Benefits may be provided on a pro-rata basis for part-time regular, permanent, trainee and probationary employees. The Board of Commissioners may require an employee contribution towards the cost of an individual employee's coverage to be determined annually in the annual budget ordinance. An employee who is scheduled to work 30 or more hours in a workweek shall be eligible for health insurance except as provided by FMLA. A qualified employee wishing to have additional group health insurance for dependents may do so at the employee's own expense to be deducted through payroll. All new employees shall become eligible for health insurance on the first of the month or the first of the second month following thirty (30) days of employment. If the employee is on leave without pay, that employee can remain covered under the County's group health plan, but must pay his/her share to the County on a per pay period basis due on the regular payday when FMLA leave has been exhausted or the employee is ineligible for FMLA leave.

The County may provide health insurance in an amount up to an individual employee's coverage for employees, who upon retirement meet one of the following criteria (This benefit is not a right. This benefit may be canceled or amended if, in the opinion of the Board of County Commissioners, it becomes too expensive for the County to maintain):

- A. Age sixty-five (65) or older and have been employed by Pender County on a regular or permanent, full-time basis for at least twenty (20) years. The County will pay Medicare supplement not to exceed an amount equal to a single employee's coverage.
- B. Age fifty-five (55) or older and have been employed by Pender County on a regular or permanent, full-time basis for at least twenty-five (25) years; an amount equal to an individual single employee's coverage and at age sixty-five (65) pay for Medicare supplement in an amount not to exceed the cost of an individual employee's coverage, or

- C. Have been employed by Pender County on a regular or permanent, full-time basis for at least thirty (30) years, regardless of age. The County may pay for Medicare supplement in an amount not to exceed the cost of an individual employee's coverage for employees.
- D. Any level of health benefits provided to retirees shall not exceed benefits provided to active employees and shall be offered on the same basis as those offered to active employees.

NOTE: Members of this group qualify for unreduced retirement benefits through the Retirement System.

The County may provide health insurance in an amount up to an individual employee's coverage for members of the Board of County Commissioners, if they so elect and if permitted by the terms and conditions of the health insurance being maintained by the County. This benefit may be canceled if, in the opinion of the Board of County Commissioners, it becomes too expensive for the County to maintain. Elected officials will be afforded the opportunity to remain on the County's group health insurance plan beyond the current COBRA limitations in accordance with State law. Each will be responsible for paying the premium once they retire or fail to be re-elected. This privilege may be canceled or amended if in the opinion of the Board of County Commissioners it becomes too expensive for the County to maintain.

The County may offer to "qualified" retirees the option of maintaining individual employee coverage (not for dependents) provided the retiree purchases their own health insurance plan and submits the receipt for payment. In order to be designated as a "qualified retiree," one must meet the following criteria:

- A. Be a minimum of sixty (60) years of age on the date of retirement,
- B. Have worked and been covered by the County's group health insurance coverage for a minimum of five (5) years on the date of retirement.
- C. Have at least twenty (20) years of creditable service with the North Carolina Local Government Employees Retirement System on the date of retirement. The premium must be paid monthly, in advance. Any missed payments shall result in cancellation of coverage. This option must be elected without a break in coverage on the County's group health insurance plan. If the option is not elected upon the date of retirement, the option will not be available in the future.

NOTE: Members of this group qualify for reduced retirement benefits through the Retirement System.

For employees who submitted retirement paperwork to the Local Government Employee Retirement System prior to December 5, 2016, the County may provide reimbursement for health insurance premiums attributable to providing coverage for that

employee in an amount not to exceed One Thousand Dollars (\$1,000.00) per month. The employee shall be responsible for establishing to the satisfaction of the County that the amount reimbursed is only for insurance for the employee and is not attributable to a spouse or dependent. (Amended effective November 20, 2017.)

The Board of Commissioners may cancel this benefit at any time. Applicable state and federal laws will apply. Pursuant to applicable state or federal law requirements, employees who terminate employment with the County may be eligible to continue group insurance program for a specified period of time. Changes in family status, eligibility for Medicare, or the death of a spouse may also warrant continuing coverage. The premiums for this continuation of coverage must be paid by the employee.

Section 3. Vacation, Sick Leave and Holidays

See [Article VIII](#) Employee Leave Benefits

Section 4. Unemployment Insurance

Pender County employees who are laid off or released from County service may apply for unemployment insurance benefits through the local office of the Employment Security Commission. Eligibility for unemployment insurance benefits will be determined by the Employment Security Commission. If it is determined by the Employee Security Commission that a former employee is eligible for unemployment insurance benefits, Pender County may be required to reimburse the Employment Security Commission for all benefits paid to the former employee.

Section 5. Retirement Benefits

Employees working a minimum of 1,000 hours per year will be enrolled in the North Carolina Local Governmental Employees' Retirement System as a condition of employment. Employees are required to contribute, through payroll deduction, six percent (6%) of their gross salary or at a rate to be determined by the North Carolina Local Governmental Employees' Retirement System. The County contributes an actuarially determined percentage of the gross payroll each month to the Retirement Benefits published by the North Carolina Local Government Employees' Retirement System. There shall be no mandatory retirement age imposed on employees except in those positions where a bona fide occupational qualification exists in compliance with the Age Discrimination in Employment Act Amendment, 29 U.S.C. 621-634.

Section 6. Death Benefits

Death benefits are paid through the North Carolina Local Government Employees' Retirement System. If an employee dies while still in active service with at least one (1) year as a contributing member of the Retirement System, the employee's beneficiary will receive a single lump-sum payment. The lump-sum payment is equal to the employee's highest twelve (12) months of salary in a row during the preceding twenty-four (24) months before the death of the employee, but the death benefit will be no less than \$25,000 and no more than \$50,000. This benefit is also paid if the employee dies within one hundred and eighty (180) days of the last day for which the employee was paid a salary.

Section 7. Workers' Compensation Insurance

The purpose of this policy is to provide medical benefits, disability compensation and a smooth transition back to a regular work status for employees who sustain compensable injuries or illnesses, which arise out of or are found to be within the course and scope of their employment, in accordance with the North Carolina Workers' Compensation Act.

- A. **Covered Employees:** All employees of the County (probationary and regularly established full-time, part-time, elected official and temporary) are covered by the North Carolina Workers' Compensation Act and are entitled to medical attention and appropriate weekly indemnity for injuries or illnesses, which arise out of or are found to be within the course and scope of their employment. Volunteers are also covered by the North Carolina Workers' Compensation Act and are only entitled to medical attention. Employees on official business outside the County will be covered by Workers' Compensation insurance in accordance with the North Carolina Workers' Compensation Act. Loss time is when a work-related injury or illness results in absence from work. Loss time due to a work-related injury or illness will not be credited towards completion of an employee's probationary period.
- B. The County provides insurance protection for on-the-job injuries and illness determined compensable under the North Carolina Workers' Compensation Act, which includes:
 - 1. All eligible medical and pharmacy costs.
 - 2. Weekly disability income benefits equaling two-thirds (2/3) of the employee's average weekly wage if they are unable to return to work.
 - 3. Mileage to and from the employee's doctor's appointments if they travel twenty (20) miles or more round trip.
 - 4. Death benefits payable to the employee's survivors.

C. Reporting Requirements:

1. Employees are responsible for:

- i. Immediately reporting any work-related injury or illness to their supervisor regardless of whether or not medical treatment is needed. Failure to report a work-related injury or illness in a timely manner could result in the denial of the Workers' Compensation claim. In any event, under the North Carolina Workers' Compensation Act, if notice of an accident is not given to the employer within thirty (30) days of the accident, compensation may be refused.

- ii. Completing a Workers' Compensation Election Form at the time the incident is reported in case it becomes a loss-time case. This form should be provided to the employee by their supervisor.
- iii. Seeking medical treatment from one of the County's authorized medical providers during normal office hours or with the nearest hospital emergency room if the injury or illness is life-threatening or occurs outside normal office hours. If a doctor, other than one of the County's authorized medical providers or the nearest hospital emergency room, is seen without prior approval, the County may not assume responsibility for the medical cost of those claims.
- iv. Immediately providing written documentation of any work restrictions, time away from work and/or changes in their restrictions or work status to their supervisor and Human Resources. The written documentation can be submitted to the supervisor in person, by fax, or by any other means that ensure the supervisor will receive the documentation promptly.
- v. Reporting back to work after receiving medical treatment, if seen during normal working hours, unless otherwise instructed and documented by the physician. If seen after normal working hours, the employee is expected to return to work at their regular starting time the following day unless documented as unable to return to work by the authorized treating physician. Failure to report to work promptly after receiving medical treatment may result in disciplinary action, up to and including termination.
- vi. Following the physical restrictions imposed by the authorized treating physician during non-working hours as well as working hours. In accordance with [Article III Section 3](#) – Outside or Secondary Employment, the work of the County will take precedence over other occupational interests of employees.
- vii. Trying to schedule medical appointments during non-work hours (before work, after work, or during the employee's lunch hour), whenever possible. If this is not possible, the County will pay the employee their regular hourly wage while attending their medical appointment however, this time will not count towards the calculation of overtime. Abuse of medical appointment time may result in disciplinary action, up to and including termination.
- viii. Completing timesheets for any hours worked and any time away from work while receiving Workers' Compensation benefits and submitting them to their supervisor. Employees should note

“Workers’ Comp” on their timesheet for any time missed due to their work-related injury or illness. Employees should note “Workers’ Comp. Medical Appt.” on their timesheet for any time missed due to a Workers’ Compensation medical appointment.

2. Supervisors and Department Managers are responsible for:

- i. Immediately notifying the Department Manager and Human Resources of any incident that occurs during normal office hours. After normal office hours, the incident should be reported to the Department Manager and Human Resources at the beginning of the next business day.
- ii. Providing the employee with a Workers’ Compensation Election Form at the time the incident is reported in case it becomes a loss-time case.
- iii. Completing the most recent version of the Form 19 (answering all the questions except the Case Number from Log in the OSHA 301 section) and an Accident Investigation Report Form indicating the facts, the cause and corrective actions taken for all Workers’ Compensation claims and forward to Human Resources along with the completed Workers’ Compensation Election Form within forty-eight (48) hours of the accident.
- iv. Providing the employee with a blank Form 18 and a copy of the completed Form 19.
- v. Evaluating the injury and contacting Human Resources to arrange for medical treatment with a County’s authorized medical provider. Life-threatening accidents or accidents occurring outside normal office hours should be directed to the nearest hospital emergency room.
- vi. Completing a Payroll Change Notification form for any employee who will be placed on a leave of absence due to their work-related injury or illness and when the employee is released to return to work.
- vii. Contacting employees who are away from work or working modified duty due to a work-related injury or illness, at least once a week to obtain updates regarding their condition and provide written documentation of any updates to Human Resources on a weekly basis.

- viii. Ensuring that Human Resources receives all relevant documentation regarding the Workers' Compensation claim including loss time reports and timesheets for reimbursement of loss time.
- ix. Assisting Human Resources in identifying appropriate transitional work assignments for employees who have been returned to work with restrictions. Supervisors should implement modified duty in a timely manner and ensure that restrictions are not violated if an employee returns to work on modified duty. If modified duty cannot be provided due to the employee's job description, documentation of this should be provided to Human Resources.
- x. Reviewing modified duty assignments every two (2) weeks from the date the employee returns to work and forward findings to Human Resources.
- xi. Returning the employee to their regular job assignment when released to full duty and ensure that employees do not, under any circumstances, return to work until they have been released by their authorized treating physician.
- xii. Maintaining complete confidentiality for all work-related injuries and illnesses as required by law.
- xiii. Ensuring that all employees receive proper training on this policy regardless of their status as temporary, part-time or full-time, etc.
- xiv. Ensuring procedural notifications are posted at all work locations and visible to all employees.

3. Human Resources is responsible for:

- i. Ensuring all potential Workers' Compensation claims are reported to the insurance carrier in a timely manner and that the employee receives benefits provided by the North Carolina Workers' Compensation Act, if applicable.
- ii. Overseeing costs associated with work-related injuries and illnesses.
- iii. Overseeing Workers' Compensation program and communicating policy and procedures to all employees and management.
- iv. Maintaining effective communications with all parties involved in a Workers' Compensation claim.

- v. Ensuring all modified duty is in compliance with this policy.
- vi. Should a suitable position, other than the employee's regular position, become vacant, Human Resources will provide the insurance carrier with a job description for the position, so that the position can be evaluated and approved by the authorized treating physician. Normal announcement procedures for the new position will be required and the employee must submit an application to be considered for the approved position.
- vii. Participating in North Carolina Industrial Commission hearings or mediations where appropriate.
- viii. Maintaining complete confidentiality for all work-related injuries and illnesses as required by law.
- ix. Ensuring that all medical recordkeeping and maintenance of OSHA 300, 300A and 301 forms are completed as required by law.
- x. Reporting fatalities and/or hospitalization of three (3) or more employees to the North Carolina Occupational Health and Safety Administration (OSHA).

D. Duty Status: After receiving notification that an employee has been released for modified duty, it is the responsibility of the Department to accommodate the employee's restrictions. Should the employee's regular position allow for the restrictions, the employee will be placed in that position and continue to perform under the restrictions until they are lifted by the authorized treating physician.

If a Department cannot accommodate the restrictions or provide modified duty for the injured employee, the Department must notify Human Resources in writing immediately. The County Manager may approve budget amendments to transfer funds for salary from one Department to another, in order to accommodate an employee's return to work, only in extraordinary and unusual circumstances. Based on the supporting documentation provided by the Department, the County Manager will make a determination whether to transfer the funds.

E. Employee's Obligation to Accept Suitable Employment: Once released by the authorized treating physician to return to work in a transitional, modified, or restricted duty status, the employee is expected to accept a suitable position that is consistent with the restrictions imposed by the physician. If the employee refuses the position, the County will exercise its legal rights under the North Carolina Workers' Compensation Act (GS 97-32) which states, "if an injured employee refuses employment procured for him suitable to his capacity he shall not be entitled to any compensation at any time during the continuance of such

refusal, unless in the opinion of the Industrial Commission such refusal was justified.”

Should the employee refuse modified duty approved by the authorized treating physician, a written statement from the employee is required. The statement shall note that the employee voluntarily declined the modified duty position with full and complete understanding that Workers’ Compensation payments may be affected.

If initial efforts to contact an employee fail, a letter shall be mailed through certified mail and regular mail to the address on record for the employee. The letter shall include information concerning the medically approved transitional duty and shall state an expected return-to-work date. If the employee fails to contact either the supervisor or Human Resources within three (3) days of the receipt of the certified letter or if the certified letter is not claimed and is returned, this shall be considered a refusal of the offer of work and a possible voluntary resignation without notice under the [Article XI](#) - Separation from Employment.

- F. **Wage Compensation:** The amount of Workers’ Compensation benefits is based on the employee’s average weekly wage over a period of fifty-two (52) weeks prior to the date of the work-related injury or illness. Benefits equal two-thirds (2/3) of the employee’s average weekly wage. Currently, under the North Carolina Workers’ Compensation Act, there is a seven (7) calendar day waiting period, beginning the day after the injury or illness occurred, during which Workers’ Compensation will not compensate the employee, except where the injury results in a disability for more than twenty-one (21) days. This waiting period will be unpaid unless the employee elects to use their accumulated sick or vacation leave. If the employee elects to use their accumulated leave, a copy of their completed Workers’ Compensation Election Form will be submitted to the Workers’ Compensation carrier to acknowledge that they have used their accumulated leave to cover the first (7) seven days of disability and that they should not be compensated for this waiting period through Workers’ Compensation because they are not entitled to retain more than 100% of their regular salary under current North Carolina law.

If an employee has not been released to work in a modified duty status, the employee must immediately provide their supervisor written documentation from the authorized treating physician. In such cases, the employee will receive Workers’ Compensation benefits. If an employee is unable to return to work and is being paid through the County’s Workers’ Compensation insurance carrier, the employee will be placed on an FMLA leave or placed in a leave without pay status (if not eligible for FMLA leave) since the employee may not use their accrued sick or annual leave to subsidize their Workers’ Compensation benefits. Employees being paid through the County’s Workers’ Compensation insurance carrier will not accrue vacation or sick leave while on FMLA leave or leave without pay status.

Therefore, the County's [Article VIII Section 5](#) – Leave of Absence, Family and Medical Leave Act policy would take effect, even if the employee is placed in a leave without pay status, except the employee's vacation and sick leave will not be exhausted.

When an employee returns to their regular work schedule but with medical restrictions, they will receive their regular salary. If an employee has limited work hours, they will receive regular salary for the hours worked and Workers' Compensation benefits for the hours not worked. Such benefits shall equal two-thirds (2/3) of the difference between the employee's average weekly wage and the wage they receive while working limited hours. If an employee is receiving Workers' Compensation benefits along with any portion of their regular salary, they will not be eligible to participate in the North Carolina State Retirement System until they cease receiving Workers' Compensation benefits however they will have the option to purchase lost time due to Workers' Compensation from the North Carolina State Retirement System in accordance with North Carolina GS 128-21 – Retirement System for Counties, Cities and Towns.

If the employee has returned to work or if they had no loss time and still have follow-up appointments with their authorized treating physician, they are encouraged to schedule these appointments during non-work hours (before work, after work or during the employee's lunch hours), whenever possible. If an appointment occurs during their regularly scheduled working hours, the time missed from work for these appointments will be paid at the employee's regular hourly wage and this time will not count towards the calculation of overtime.

G. Drug and Alcohol Testing: The County will send employees to be tested for the presence of drugs and alcohol following an on-the-job accident under the following circumstances:

1. A fatality
2. An injury to another individual requiring immediate medical treatment away from the scene of the accident
3. The employee's vehicle is disabled and removed from the scene by other than its own power.
4. An accident that would necessitate the need to file a claim with the County's Property and Liability Insurance.
5. A sequence of minor accidents or injuries where medical treatment may not have been required.

6. Reasonable suspicion based on facts that conclude the accident was due to the employee's drug or alcohol impairment.

Following an accident as defined above, the employee will be tested as soon as possible but not to exceed (8) eight hours for alcohol testing and thirty-two (32) hours for drug testing. Any employee who tests positive for drugs and/or alcohol will be subject to termination. If an employee refuses to submit to required post-accident drug and alcohol testing, they will be considered positive for drugs and alcohol and will be subject to termination.

H. Discipline and Consequences: Failure to follow the procedures as set forth in this policy will result in disciplinary action up to and including dismissal and may also result in the following:

1. Any employee involved in an on-the-job injury or illness who does not report it immediately may be subject to denial of benefits under the North Carolina Workers' Compensation Act.
2. Any employee injured on-the-job who does not get prior approval for medical treatment (excluding life-threatening accidents and accidents occurring outside normal business hours) will jeopardize payment of bills incurred relating to the accident.
3. Any employee who tests positive for drugs and/or alcohol will be subject to dismissal. If an employee refuses to submit to required post-accident drug and alcohol testing will be considered positive for drugs and alcohol and will be subject to dismissal.
4. If it is determined that an employee has abused their time away from work for Workers' Compensation medical appointments, they will be subject to disciplinary action up to and including dismissal.

Section 8. Social Security Retirement/Disability and Medicare Account

All eligible employees shall participate in Social Security coverage as provided by Title II of the Federal Social Security Act as amended. All exclusions contemplated by the Act shall be provided to elected governing officials who are not required to devote a major portion of their time to the duties of their office. This plan provides retirement income for the employee and spouse, disability income, death benefits for surviving spouse and dependent children, and Medicare protection at the age of 65. The County contributes a percentage of the employee's income into this federally operated program.

Section 9. Other Benefit Programs

The County offers a number of benefits designed to allow employees to meet their own health and welfare needs as well as those of their families. A number of approved payroll deduction plans are also available, which provide the employee with increased available income and an enhanced ability to save for retirement. Each employee is

encouraged to make responsible decisions regarding both present needs and future financial stability. The County reserves the right to determine whether to allow the addition of a benefit or service and to provide for payroll deduction based upon the past performance, financial responsibility and reputation of the organization requesting or receiving such deduction, whether or not the administration of the program would prove to be unduly burdensome to the County, and whether interest is expressed by a sufficient number of employees representative of all the departments of the County. Human Resources shall maintain a current list and description of all benefits available to employees and shall make said list and all updates available to employees.

Section 10. 401(k) Employer Paid Contributions

Pender County's employer paid 401(k) contributions are based on full-time budgeted base salaries and overtime hours earned. This excludes longevity and any payouts of accruals upon termination. This benefit may be changed or eliminated at any time in the sole discretion of the governing board.

Section 11. Law Enforcement Officers Additional Benefits

The County participates by special contribution in the Law Enforcement Officers Supplemental Retirement Income Plan-401(k) and provides for a special separation allowance for law enforcement officers as prescribed by G.S. 128-21 (11b) and 143-166.42.

A. **Separation Allowance:** The County shall provide a special separation allowance, which is defined under N.C.G.S. 143-166.41(a), to qualified officers who retire on a basic service retirement under provisions of N.C.G.S. 135-5(a) or 143-166(y) and meet all of the following qualifications:

1. The officer must have completed thirty (30) years or more of creditable service or have attained fifty-five (55) years of age and completed five (5) or more years of creditable service.
2. The officer must not yet be age sixty-two (62).
3. The officer must have completed at least five (5) years of continuous service as a law enforcement officer immediately before service retirement.

Payment of the separation allowance will cease when the officer (1) reaches age sixty-two (62), (2) dies, or (3) is reemployed by any State department, agency, or institution, except that this subdivision does not apply to an officer returning to State employment in a position exempt from the State Personnel Act in an agency other than the agency from which that officer retired.

B. **Supplemental Retirement Income for Law Enforcement Officers.** The County participates by special contribution in the Law Enforcement Officers Supplemental Retirement Income Plan-401(k).

Section 12. Employee Assistance Program (EAP)

The County recognizes that a wide range of personal, family and work-related problems may impair an employee's work performance and may also impact their fellow employees. The County also realizes that with early intervention and proper support, employees can be assisted with overcoming their problems and become able to fully function at work and at home. As a result, the County has established an Employee Assistance Program (EAP) for its employees.

The EAP is a voluntary and confidential program designed to assist with employee problems including, but not limited to, depression, substance abuse, emotional distress, coping with major life events, healthcare concerns, financial or legal concerns, personal or work-related relationship issues, concerns about aging parents.

- A. **Eligibility:** Full-time employees, spouses, and dependents are eligible to participate in the EAP.
- B. **Program Benefits:** The EAP program includes a variety of benefits at no cost to eligible employees such as:
 - 1. Up to six (6) visits to an EAP counselor and if an employee needs further counseling services, the visits would be paid through the County's health insurance plan with a co-pay.
 - 2. A 24-hour, 7 days per week, 365 information line.
 - 3. Management support for supervisors and Department Managers.
 - 4. Web-based work-life balance online seminars and resources.
- C. **Self-Referral to the EAP:** Employees and their eligible family members are encouraged to call the EAP directly and arrange an appointment with a counselor. Time off and sick leave for EAP consultation and treatment may be granted in accordance with [Article VIII Section 3](#) Employee Leave Benefits. Sick Leave as it relates to doctor's appointments.
- D. **Management Referral to the EAP:** Employees may be referred to the EAP by their supervisor, department head or Human Resources if a decline in job performance or conduct seems to be affected by job-related problems. The employee may choose to consult EAP or not. No discipline may be imposed for a failure to consult EAP after a management referral. Compliance with a management referral to EAP shall not delay or prevent appropriate disciplinary action from being taken.
- E. **Confidentiality:** Services will be provided off-site and appointments will be scheduled by the provider to ensure anonymity. All communications between the

employee and the EAP will be strictly confidential will not be released without an employee's written consent unless otherwise specified by law. In the event of a management referral, information other than whether the employee attended the appointment and whether the employee accepted the assistance that was offered will not be released without the employee's written permission.

- F. **Disclaimer:** Voluntary participation in the EAP does not affect an employee's job security or career advancement with the County nor does it prevent employee disciplinary actions, including discharge.

ARTICLE X - EMPLOYEE EDUCATION AND TRAINING

Employees are encouraged to enhance their knowledge through education and training experiences so the public is served at an ever-increasing level of excellence.

Section 1. Education and Training Requirements

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

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

All employees, except those employed by the Sheriff's Department, are required to comply with the following training requirements:

Employee Type	Training	Frequency	Completion Requirements
New Employee	Safety Training	Once	60 days after hiring
	Workplace/Sexual Harassment	Once	60 days after hiring
	Cultural Diversity	Once	60 days after hiring
	Customer Service	Once	60 days after hiring
	Workplace Violence	Once	60 days after hiring
	Professionalism/Ethics	Once	60 days after hiring
All Employees	Workplace/Sexual Harassment	Every 2 years	Hire date anniversary
	Cultural Diversity	Every 2 years	Hire date anniversary
	Safety Training	Every 2 years	Hire date anniversary
	Customer Service	Every 2 years	Hire date anniversary
	Professionalism/Ethics	Every 2 years	Hire date anniversary

Supervisors	Supervisor Training	Once	1 year after hire/promotion
	Communication & Behavioral Styles	Once	1 year
	Workplace/Sexual Harassment	Once	Annually
	Managing Difficult Situations & People	Once	1 year
	Meeting Management	Once	1 year

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

Section 2. Education Reimbursement

The County may reimburse educational expenses incurred in a course of study in a field which is required to maintain current status, e.g. licensure or certification requirements, or which addresses training or instruction to upgrade knowledge and skills directly relating to current responsibilities for regular or permanent full-time employees. If the County assists with funding an advanced degree, the employee will be required to enter into a contractual agreement ensuring continued employment with the County, the duration of which will be mutually agreed upon by the Department Manager and the employee with the approval of the County Manager. Any reimbursement by the County is intended to supplement and not take the place of other financial resources or to duplicate payment for educational expenses. To be eligible for reimbursement, the employee must attend a nationally accredited educational institution. The Department Manager, with the consent of the County Manager, must pre-approve all courses requested for reimbursement based upon documentation and funds in the budget. Upon successful completion of a course approved in accordance with this policy, the County may reimburse the employee for the costs of tuition, additional course fees, expenses for books, and other course materials. The employee must maintain a "C" average in the course to be eligible to apply for reimbursement. Any request for reimbursement of costs must be made in writing and be approved by the Department Manager and County Manager. Employees may request reimbursement prior to enrollment or after enrollment/completion of the course. This policy is subject to funding availability.

ARTICLE XI – SEPARATION FROM EMPLOYMENT

Section 1. Types of Separation

Separation from County service occurs when the employee leaves the payroll for reasons listed below.

- A. **Resignation:** A minimum of a two (2) week written notice is expected of all resigning employees. Such notice should be given to the employee's immediate supervisor, to be forwarded to the Department Manager and Human Resources. In the case of Department Managers, the resignation should be given to the County Manager. Persons who do not give a two (2) week notice are not eligible for re-hire with the County.
- B. **Voluntary Resignation without Notice:** An employee who is absent from work and does not contact the employer for three (3) consecutive scheduled workdays may be separated from employment as a voluntary resignation without notice. Separation pursuant to this policy should not occur until the employing department has undertaken reasonable efforts to establish that the employee was able to give or have someone else give notice during the period of days in question. This provision also applies when the employee is absent for at least three (3) consecutive scheduled workdays, has been instructed verbally or in writing of a specific manner of reporting by management, and does not report to the appropriate supervisory personnel on a regular basis satisfactory to the appropriate supervisory personnel.
- C. **Separation Due to Unavailability:** An employee may be separated on the basis of unavailability when the employee becomes or remains unavailable for work after all applicable leave credits have been exhausted and the County does not grant or extend a leave without pay. The County will make an effort to notify the employee in writing of the proposed separation date, the efforts taken to avoid separation, and why the efforts were unsuccessful. The employee may propose an alternative arrangement for the County's consideration at least one (1) week before the separation goes into effect. The County may, at its sole discretion, agree to any suggested alternative arrangement or termination of the employee.
- D. **Retirement:** An employee may retire when he or she is eligible and applies for retirement benefits from the North Carolina Local Government Employees Retirement System or Law Enforcement Officers Retirement System. In compliance with the Age Discrimination in Employment Act amendment (29 U.S.C. 621-634), there shall be no mandatory retirement age for employees except in positions where bona fide occupational qualification exists.
- E. **Reduction-in-Force:** An employee may be reduced in force and separated from County service for reasons of a shortage of funds or work, elimination of a position, reorganization, or other changes in duties. Retention of employees shall be based upon the needs of the County in the reduced workforce or with the changes in duties. Employees who are separated from the County because of a

reduction-in-force will be given at least two (2) weeks written notice of the anticipated separation.

- F. **Dismissal:** Dismissal is an involuntary separation in accordance with [Article XII](#) - Disciplinary Actions. Employees who are involuntarily terminated will be paid through their termination date.
- G. **Death:** Payment for unpaid salary and reimbursement for travel or other County expenses will be made, upon the establishment of a valid claim, to the deceased employee's administrator or executor.

Separation due to dismissal may be grieved in accordance with [Article XIII](#)- Grievance Process.

ARTICLE XII – DISCIPLINARY ACTIONS

Department Managers and supervisors are responsible for maintaining the proper conduct of employees under their supervision. When an employee's performance or conduct is determined by a supervisor or Department Manager to be unacceptable, disciplinary action may be taken. Disciplinary action is not to be considered as limiting or restrictive in nature, and application may vary based upon the circumstances. It is the policy of the County to administer discipline without discrimination. Disciplinary action shall be for good business reason. The supervisor or Department Manager, with the assistance of Human Resources, shall investigate any allegation on which disciplinary action might be based before any disciplinary action is taken. The County Manager or his/her designee has the authority to deviate from this procedure when it is in the best interest of the County.

The provisions of this Article are advisory only to popularly elected Department Managers.

Section 1. Reason for Disciplinary Action

- A. Any employee regardless of occupation, position, or profession may be warned, demoted, suspended or dismissed by the County Manager, Department Manager, or elected Department Manager. The degree and type of action taken shall be based upon the sound and considered judgment of the County Manager or the Department Manager, or the elected Department Manager or their designee in accordance with the provisions of this policy. When there is a good business reason for discipline, the only disciplinary actions provided for under this Article are:
 - 1. Written warning;
 - 2. Disciplinary suspension without pay;
 - 3. Demotion; and
 - 4. Dismissal.
- B. There are two (2) bases for the discipline or dismissal of employees. These two bases are:
 - 1. Discipline or dismissal imposed on the basis of unsatisfactory job performance.
 - 2. Discipline or dismissal imposed on the basis of unacceptable personal conduct.
- C. Either unsatisfactory job performance or unacceptable personal conduct constitutes good business reason for discipline or dismissal. The categories are not mutually exclusive, as certain actions by employees may fall into both

categories, depending upon the facts of each case. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.

- D. The imposition of any disciplinary action shall comply with the procedural requirements of this Section for equity and consistency during the disciplinary process with all employees.

Section 2. Dismissal for Unsatisfactory Performance of Duties

- A. Unsatisfactory job performance is work-related performance that fails to satisfactorily meet job requirements as specified in the relevant class description or position description, work plan or as directed by the management of the work unit or agency.
- B. Unsatisfactory performance of duties, depending upon the circumstances, includes, but is not limited to:
 - 1. Quality of work
 - 2. Quantity of work
 - 3. Promptness
 - 4. Timely performance of work-related analysis, decisions, or judgment
 - 5. Accuracy of work
 - 6. Regular and timely attendance
- C. It is the County's intent to assist and promote improved employee performance, rather than to punish. This policy covers all types of performance-related deficiencies and does not require that successive disciplinary actions all concern the same type of unsatisfactory performance.
- D. In order to be dismissed for a current incident of unsatisfactory job performance, an employee must first have received at least one (1) prior disciplinary action. The prior disciplinary action must have notified the employee that failure to make the required performance improvements may result in dismissal.
- E. Prior to the decision to dismiss an employee for unsatisfactory performance of duties, the County Manager or his/her designee shall conduct a pre-disciplinary conference with the employee in accordance with the procedural requirements of this Article. At the request of the County Manager or his/her designee, Human Resources may assist in this process.
- F. An employee who is dismissed shall receive written notice of the specific reasons for the dismissal as well as notice of any applicable appeal rights. Time limits for

filing a grievance do not start until the employee receives written notice of any applicable appeal rights. Any grievance must be filed within fifteen (15) calendar days of receipt of written notice of dismissal.

Section 3. Dismissal for Personal Conduct

Employees may be disciplined up to and including dismissal for a current incident of unacceptable personal conduct without prior warning or disciplinary action having been given to the employee if the offense is of such a grievous nature as determined by the Department Manager.

A. Unacceptable Personal Conduct includes, but is not limited to:

1. Conduct for which no reasonable person should expect to receive prior warning;
2. Job-related conduct which constitutes a violation of state or federal law;
3. Misappropriation of County funds or property; or causing misappropriation of County funds or property;
4. Falsification of County records;
5. Reporting to work under the influence of alcohol or illegal drugs or partaking of alcohol or illegal drugs while on duty or while on public property, except that prescribed medication may be taken within the limits set by the physician so long as medically necessary and not disruptive to the employee's performance of job duties;
6. Willful or negligent damage or destruction of County property, improper use of County property or acts that would endanger the lives and property of others;
7. Acceptance of gifts in exchange for "favors" or "influence";
8. The abuse of client(s), patient(s), or a person(s) over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned or in the custody of the County;
9. Fraud in securing appointment, falsification of an employment application or other employment documentation or failure to disclose relevant work history;
10. Failure to maintain credentials;
11. 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;

12. Absence from work after all authorized leave credits and benefits have been exhausted; absence without approved leave, habitual pattern of failure to report for duty at the assigned time and place or habitual improper use of leave privileges.

13. Failure to pay County taxes.

14. Conduct unbecoming an employee that is detrimental to the County's service. (This also covers discourteous treatment of the public or other employees).

15. The creation of the potential for death or serious harm to a client(s), an employee(s), members of the public or to a person(s) over whom the employee has responsibility.

16. Physical or mental incapacity to perform essential job duties with reasonable accommodation.

B. Prior to dismissal of a non-probationary County employee on the basis of unacceptable personal conduct, there shall be a pre-disciplinary conference between the employee and the Department Manager. This conference shall be held in accordance with the provisions of [Article XII Section 7](#) - Procedural Requirements. Human Resources may be involved at the request of the Department Manager.

C. Dismissals for unacceptable personal conduct require written notification to the employee. Such notification must include specific reasons for the dismissal and notice of the employee's right of appeal. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights and must be filed within fifteen (15) days from receipt of the notice of dismissal with the appeal rights.

D. Elected officials are exempt from this section. Separate authority governs the Elections Director and staff.

Section 4. Written Warnings

It is the responsibility of every supervisor to monitor the satisfactory performance of work assignments and acceptable standards of conduct.

A. When the supervisor determines that disciplinary action is appropriate for unsatisfactory job performance, a written warning is the first type of disciplinary action that an employee must receive. The supervisor may elect to issue a written warning for unacceptable personal conduct. Written warnings will remain

active in the employee's official personnel file for a period of twenty-four (24) months. The written warning must:

1. Inform the employee that this is a written warning and not some other non-disciplinary process such as counseling;
 2. Inform the employee of the specific issues that are the basis for the warning;
 3. Tell the employee what specific improvements, if applicable, must be made to address these specific issues;
 4. Tell the employee the time frame allowed for making the required improvements/corrections. Immediate correction is required for unacceptable personal conduct.
 5. Tell the employee the consequences of failing to make the required improvements/corrections.
 6. A written warning shall include a statement, "that failure to make the required improvements may result in further disciplinary action, up to and including termination."
- B. Written warnings may be issued to correct behavior for minor infractions or repeated violations of policy, procedure, or work rules, including conduct, depending on the severity of the incident.
- C. A written warning must be issued in accordance with [Article XII Section 7](#) - Procedural Requirements.
- D. Written warnings are not grievable.

Section 5. Disciplinary Suspension Without Pay

An employee may be suspended without pay for disciplinary purposes for unsatisfactory job performance after the receipt of at least one (1) prior disciplinary action or for causes relating to any form of unacceptable personal conduct.

- A. A disciplinary suspension without pay for an employee who is subject to the overtime compensation provisions of the Fair Labor Standards Act (FLSA) must be for at least one (1) full workday, but not more than two (2) workweeks. The length of a disciplinary suspension without pay for an employee who is exempt from the overtime compensation provisions of the FLSA must be for at least one (1) full workweek, but not more than two (2) full workweeks.

- B. Prior to placing any employee on disciplinary suspension without pay, the Department Manager shall conduct a pre-disciplinary conference with the employee in accordance with [Article XII Section 7](#) Procedural Requirements.
- C. Following the pre-disciplinary conference, the Department Manager shall provide the employee with a written notice of suspension without pay containing the following elements:
 - 1. The necessary correction in performance or conduct for the employee to make.
 - 2. The time frame for correction of the problem. Personal conduct will require immediate corrective action.
 - 3. Identify the specific consequences for the failure of the employee to take appropriate corrective action within the specified time frame.
 - 4. The specific acts or omissions that are the reasons for the suspension and the employee's appeal rights

Section 6. Demotion

The Department Manager has the discretion, upon review and in consultation with the County Manager, to retain an employee in a lesser capacity when the employee's performance or conduct is sufficient to satisfy grounds for dismissal but the employee shows promise of acceptable performance or conduct in a lesser position. Employees may be demoted if they have been found unsuited for the present position but may be expected to perform satisfactorily in a lesser position. An employee may be demoted subsequent to a promotion if the employee fails to perform at a satisfactory level in the promoted position.

- A. Any employee may be demoted as a disciplinary measure. Demotion may be made on the basis of either unsatisfactory job performance or unacceptable personal conduct.
- B. **Unsatisfactory Job Performance:** An employee may be demoted for unsatisfactory job performance after the employee has received at least one (1) prior disciplinary action.
- C. **Personal Conduct:** An employee may be demoted for unacceptable personal conduct without any prior disciplinary action.
- D. An employee who is demoted must receive written notice of the specific reasons for the demotion, as well as notice of any applicable appeal rights.

- E. Prior to the decision to demote an employee for disciplinary reasons, the Department Manager must conduct a pre-disciplinary conference with the employee in accordance with Section 7. Procedural Requirements.

Section 7. Procedural Requirements

Department Managers shall consult with the County Manager regarding matters where suspensions without pay, demotion or dismissals are considered for all employees except temporary employees. The following procedural requirements must be followed to issue disciplinary action under this Section:

- A. **Fact-Finding:** Prior to taking any formal disciplinary action, the supervisor should conduct a fact-finding inquiry to gather any and all pertinent details regarding the situation. The supervisor will then discuss the facts of the case with the Department Manager. The Department Manager will review the information and then shall discuss the facts of the case with the Human Resources Director and the County Manager or his/her designee.
- B. **Written Warning:** To issue a written warning to an employee, the supervisor must issue the employee a written warning detailing the matters referenced in Section 4. Written Warning.
- C. **Disciplinary Suspension without Pay:** To place an employee on disciplinary suspension without pay, the County Manager or his designee, must comply with the following procedural requirements:
 - 1. In matters of unsatisfactory job performance, ensure that the employee has received at least one (1) prior disciplinary action(s). In matters of unacceptable personal conduct, no prior disciplinary actions are required, so an employee may be suspended without pay for a current incident of unacceptable personal conduct;
 - 2. Schedule and conduct a pre-disciplinary conference. Advance written notice of the conference must be given to the employee of the time, location, and the issue for which discipline has been recommended. The amount of advance notice should be as much as is practical under the circumstances;
 - 3. Once the pre-disciplinary conference has been held, but no sooner than the next County business day, the County Manager or his/her designee shall furnish the employee a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension and any applicable appeal rights;
 - 4. Advise the employee of any applicable appeal rights in the letter of suspension. A department shall furnish to an employee a copy of the County grievance policy. A non-probationary employee shall have fifteen

(15) calendar days from the date of receipt of written notice of such action to file an appeal.

5. Inform the employee as to the starting and ending dates of the suspension without pay, and when the suspension will be reflected in his/her paycheck.

D. **Demotion:** To demote an employee the County Manager or his/her designee must comply with the following procedural requirements:

1. In matters of unsatisfactory job performance, ensure that the employee has received at least one (1) prior disciplinary action;
2. In matters of unacceptable personal conduct, there is no requirement for previous disciplinary action, so an employee may be demoted for a current incident of unacceptable personal conduct without any prior disciplinary action;
3. Give advance written notice of the appropriate pre-disciplinary conference to the employee of the time, location, and the issue for which discipline has been recommended. The amount of advance notice should be as much as is practical under the circumstances.
4. Once the pre-disciplinary conference has been held, but no sooner than the next County business day, the County Manager or his designee shall give an employee who is demoted written notice of the specific acts or omissions that are the reasons for the demotion and any applicable appeal rights;
5. Advise the employee of how, when and to what extent the demotion will affect the employee's salary rate or pay grade; and
6. Advise the employee of any applicable appeal rights in the document affecting the demotion. A department shall furnish to an employee, as an attachment to the written documentation of a demotion, a copy of the County grievance policy. A non-probationary employee shall have fifteen (15) calendar days from the date of receipt of written notice of such action to file an appeal.

E. **Dismissal:** Before an employee may be dismissed, the County Manager or his/her designee shall comply with the following procedural requirements:

1. The supervisor and/or Department Manager recommending dismissal shall discuss the recommendation with the Human Resources Director and the County Manager or his/her designee, who shall conduct a pre-disciplinary conference with the employee. The person conducting the pre-

disciplinary conference must have the authority to decide what, if any, disciplinary action should be imposed on the employee.

2. The supervisor or designated management representative shall schedule a pre-disciplinary conference with the employee.
3. Advance written notice of the pre-disciplinary conference must be given to the employee of the time, location, and the issue for which dismissal has been recommended. The amount of advance notice should be as much as is practical under the circumstances.
4. The Department Manager shall conduct a pre-disciplinary conference with the employee, limiting attendance to the employee, the employee's supervisor, and the person conducting the conference; a second management representative may be present at the Department Manager's discretion. No attorneys representing either side may attend the conference. The purpose of the pre-disciplinary conference is to review the recommendation for dismissal with the affected employee and to listen to and to consider any information put forth by the employee in order to ensure that a dismissal decision is sound and not based on misinformation or mistake. Security personnel may be present when, in the discretion of the person conducting the conference, a need for security exists.
5. In the conference, the Department Manager shall give the employee written notice of the recommendation for dismissal, including specific reasons for the proposed dismissal and a summary of the information supporting that recommendation. The employee shall have an opportunity to respond to the proposed dismissal action and to offer information in support of the employee's position. Every effort shall be made to ensure that the employee has a full opportunity during the conference to set forth any available information in opposition to the recommendation to dismiss. This opportunity does not include the option to present witnesses.
6. Following the conference, the Department Manager shall review and consider the response of the employee and reach a decision on the proposed recommendation. If the decision is to dismiss the employee, a written letter of dismissal containing the specific reasons for dismissal, the effective date of the dismissal and the employee's appeal rights shall be issued to the employee in person or by certified mail, return receipt requested, to the last known address of the employee. The notification of dismissal to the employee may not be made before the next business day. A department shall furnish to an employee, as an attachment to the written documentation of the dismissal, a copy of the County grievance policy. A non-probationary employee shall have fifteen (15) calendar days from the date of receipt of written notice of such action to file an appeal.

7. The effective date of a dismissal for unsatisfactory job performance shall be determined by the Department Manager. The effective date of the dismissal shall not be earlier than the letter of dismissal nor more than fourteen (14) calendar days after the notice of dismissal.

Section 8. Time Limits for Active Warnings/Disciplinary Actions

Any disciplinary action is deemed inactive for the purpose of this section in the event that:

- A. The Department Manager or supervisor notes in the employee's personnel file that the reason for the disciplinary action has been resolved or corrected; or
- B. Twenty-four (24) months have passed since the disciplinary action; the employee does not have another active disciplinary action which occurred within the last twenty-four (24) and the department has not, prior to the expiration of the twenty-four (24) month period, issued to the employee written notice, including reasons, of the extension of the period.

Section 9. Placement on Investigation

Investigation status is used to temporarily remove an employee from work status. Placement on investigation with pay does not constitute a disciplinary action as defined in this Article and is not an action that may be appealed. The Department Manager must notify an employee in writing of the reasons for investigatory placement no later than the second scheduled workday after the beginning of the placement. An investigatory placement with pay may last no longer than thirty (30) calendar days without written notice of extension from the Department Manager. When an extension beyond the thirty (30) day period is required, the Department Manager must advise the employee in writing of the extension, the length of the extension, and the specific reasons for the extension. If no action has been taken by the County by the end of the thirty (30) day period and no further extension has been imposed, the County must either take appropriate disciplinary action on the basis of the findings upon investigation or return the employee to active work status. Under no circumstances is it permissible to use placement on investigation status for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

It is permissible to place an employee in investigation status with pay only under the following circumstances:

- A. To investigate allegations of performance or conduct deficiencies that would constitute a reason(s) for disciplinary action;
- B. To provide time within which to schedule and conduct a pre-disciplinary conference; or

- C. To avoid disruption of the workplace and/or to protect the safety of persons or property.

Section 10. Delegation of Authority

Immediate supervisors are responsible for initial documentation. The County Manager may delegate authority to Department Managers or a designee, within the County Manager's area of supervision, for the execution of disciplinary actions, up to and including dismissal. The affected employee has the option to appeal a demotion, a suspension without pay or a dismissal to the County Manager for the purpose of affirming, modifying, or reversing the disciplinary action as appropriate, based upon the facts and evidence in each case. The County Manager retains final authority for appeals decisions and will consider any facts presented by the employee and the supervisor or Department Manager during the appeals process.

Section 11. Employee Responsibilities

All employees are responsible for conduct and performance of their job duties and assignments in a manner that is consistent with, but not limited to, job expectations, class descriptions, personnel policies, and work rules. Employees are responsible for knowing, understanding, and abiding by the County's existing employment policies and subsequent policies and amendments that are adopted by the County Board of Commissioners.

Section 12. Supervisor Responsibilities

It is the responsibility of all supervisors to address immediately and resolve as quickly as possible situations in which employees do not perform or behave in a manner consistent with, but not limited to, the County's work philosophies, job expectations, known work rules, and employment policies. Supervisors are responsible for documenting incidents where employee behavior, conduct, and performance are not consistent with the County's work philosophies, job expectations, and employment policies as well as the efforts made to take corrective action.

Section 13. Department Manager/Supervisor Responsibilities

Department Managers/Supervisors are responsible for ensuring timely and thorough documentation of all disciplinary actions. Documentation should contain:

- A. A clear description of the behavior or performance that prompted the discipline, together with any work rules, expectations or standards that were not followed or achieved;
- B. The action taken by the supervisor;
- C. How the employee's behavior must change;
- D. The time frame during which the employee must demonstrate a change in behavior and the expectation of a follow-up with the affected employee;

E. The expectation that the new behavior must be sustained.

Department Managers, in conjunction with the Human Resources Director and County Manager, are also responsible for ensuring that the County applies discipline on a consistent basis in accordance with County policy.

Section 14. Corrective Action

When the supervisor observes or learns of job performance deficiencies, or if an employee's performance evaluation indicates the need for improvement or that the employee's performance is below standards, the supervisor will meet with the employee to discuss the situation and County expectations, and to identify the corrective action to be taken by the employee. The supervisor shall document this meeting in writing. This document is an informal record and is not a disciplinary action. It may not be grieved.

If, despite the supervisor's intervention and assistance, problems of unsatisfactory job performance continue, the supervisor may, after consultation with Human Resources, develop a Performance Improvement Plan, which outlines the method to assist the employee in improving conduct or performance that is not meeting standards and provides special direction intended to help an employee achieve and sustain satisfactory performance.

If the employee successfully fulfills the conditions of the Performance Improvement Plan, the supervisor will submit written documentation to the Department Manager and Human Resources.

The supervisor will also provide written documentation to the Department Manager and Human Resources if the employee does not meet the requirements outlined in the Performance Improvement Plan in the specified time period or if conduct and/or performance deteriorate while the Performance Improvement Plan is in effect. Failure to meet the requirements of a Performance Improvement Plan shall lead to disciplinary action as outlined in this Article.

Section 15. Employee Appeal

A non-probationary employee wishing to appeal a demotion, suspension or dismissal may present the matter in accordance with the provisions of the grievance procedure set forth in [Article XIII](#) – Grievance Process.

ARTICLE XIII – GRIEVANCE PROCESS

Section 1. Policy and Purpose

In order to maintain harmonious and cooperative relationships between the County and its employees, it is the policy of the County to provide for the settlement of complaints through an orderly grievance procedure free from interference, discrimination, or reprisal. Employees shall file all correspondence regarding appeals with the County Manager. Grievances that are not received within the time allowed as prescribed in this section, or which are not filed with the County Manager as prescribed in this section, shall be dismissed. The Sheriff and the Register of Deeds shall have the authority to determine the grievance process used in their offices.

Section 2. Definition

A grievance is as a complaint or dispute of an employee relating to his/her employment, including but not limited to:

- A. Application of policies governing personnel practices;
- B. Working conditions relevant to safety and health;
- C. Acts of retaliation as the result of utilizing the grievance procedure;
- D. Decisions of the County relative to demotion, disciplinary suspension without pay or dismissal; or
- E. An allegation of prohibited discrimination, including allegations of harassment or retaliation as defined by federal or state equal employment laws. Any other issue shall not be considered a grievance.

All regular employees shall have the right to grieve the following:

- 1. Disciplinary action, dismissals, disciplinary demotions, and suspension without pay;
- 2. Allegations of alleged acts of discrimination based on age (age 40 and older), sex, race, genetic information, religion color, disability, including allegations of harassment or retaliation. In such grievances, the burden of proving discrimination is on the employee.

Certain management decisions are not grievable. These decisions involve management discretion and are therefore not subject to the grievance process. Examples of management decisions that are not subject to this grievance process include but are not limited to the following:

- 1. Any condition of employment accepted at the time of employment and any subsequent change(s) thereto;

2. the employee benefit package;
3. decisions on classification and pay;
4. decisions on types of training and who is eligible for training;
5. scheduling and distribution of personnel;
6. decisions on the methods, means, and personnel to carry out operations;
7. assignment decisions
8. placement on investigation status (paid)
9. decisions that maintain the effectiveness and efficiency of governmental operations
10. pay for performance increases
11. FLSA determination

An initial probationary employee as set forth in [Article II Section 12](#) – Employment, Section 12. Probationary Period of Employment may be dismissed at any time during the probationary period for causes relating to the performance of duty or personal conduct without the right of appeal or hearing, except where there are allegations of prohibited discrimination as set out in [Article XII Section 2 Subsection A2](#) in the decision to separate.

While employees cannot bring grievances on the above items, they are encouraged to express any concerns that they have concerning actions taken in these areas.

Section 3. Procedure

Unless specifically provided for in another part of the personnel policies, this grievance procedure will be used for any complaints or disputes arising from these policies. When an employee has a claim or complaint concerning employment with the County, the successive steps described below are to be taken toward resolution of the matter. For employees of the Sheriff's Department or Register of Deeds Office, there shall be no appeal beyond the decision of the Sheriff or Register of Deeds.

The number of days indicated at each step of the grievance procedure should be considered as the maximum number of calendar days allowed for presentation of and response to the grievance at that level. However, when mutually agreed upon, the time limits given below may be extended by those concerned. Failure on the part of the employee to satisfy the time limitations provided in this Article shall cause the grievance to be denied or dismissed.

Employees who use this procedure will be free from discrimination, coercion, restraint or reprisal. Employees may file grievances or appeal decisions using the procedures listed below. An employee shall have the right to consult legal counsel at the employee's expense; but, no party, either the County or an employee may be represented by an attorney at any proceeding under this policy. Advisory services pertaining to procedures and regulations are available from the Human Resources Director and may be used by the employee, the supervisor or Department Manager to settle grievances and complaints at any level.

In order that all employees may be able to obtain further consideration of their problems, it is essential that two-way communication occur, and the supervisor shall make every effort to resolve the problem or correct the misunderstanding prior to the grievance procedure being initiated.

A. General Requirements:

1. All grievances and appeals must be submitted in writing with appropriate documentation and supporting evidence attached.
2. All steps of the grievance process must be completed by 5:00 PM on the deadline date.
3. The County official shall make every possible effort to achieve an equitable solution to the problem at this meeting but may take additional time to conduct a fact-finding.
4. In no event shall the County official delay rendering a decision more than five (5) calendar days after the grievance conference unless extenuating circumstances in which case the decision will be rendered as soon as practicable.

B. Documentation:

1. All grievance, complaint and appeal determinations must be issued to the employee in writing. Such decision shall contain the employee's and the County official's statement and the County official's conclusions. The written decision shall also contain notice of further appeal rights and shall identify the County official responsible for hearing a continuation of the grievance if necessary.
2. Copies of all grievances, determinations, appeals and supporting documentation must be forwarded to Human Resources for inclusion in the employee's personnel file in conformance with State public records laws.

C. Grievance Issues and Timeframes

1. For grievances involving a disciplinary demotion, suspension or dismissal, the employee has 15 (fifteen) calendar days from the date mailed, electronic delivery, or other means of delivery of the disciplinary action notice to appeal to the County Manager. (The Sheriff and Register of Deeds follow their own grievance policy)

NOTE: In no case shall a person alleging harassment or retaliation be required to appeal to the person alleged to have committed harassment or retaliation. In such cases, if the subject of the allegations is the Department Manager, the employee may file such a grievance directly with the County Manager. If the employee is not satisfied with the Department Manager's decision, the employee may appeal that decision to the County Manager within 15 (fifteen) days following receipt of the Department Manager's written decision. If the subject of the allegation is the County Manager then the grievance shall be directed to the Chairman of the Board of County Commissioners.

ARTICLE XIV - WORKPLACE VIOLENCE

Section 1. Purpose

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

Section 2. Violence

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

Section 3. Prohibited Conduct

The County will not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities in any format including but not limited to verbal acts, physical acts, written acts or non-verbal acts.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

- A. causing injury to another person,
- B. communication of threats,
- C. aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress,
- D. intentionally damaging County property or the property of another employee,
- E. possession of a weapon while on County property or while on County business unless permitted and authorized to do so in the performance of assigned duties and responsibilities,
- F. making harassing, obscene, or other offensive communications and images in any manner, including through electronic mail systems
- G. using language that would be regarded by reasonable people as likely to provoke violence in others, including threats of bodily harm and violent outbursts of anger, and
- H. committing acts motivated by, or related to, sexual harassment, abuse or domestic violence.

Section 4. Reporting Procedures

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

Section 5. Risk Reduction Measures

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

Section 6. Dangerous/Emergency Situations

Employees who encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If a supervisor can be safely notified of the need for

assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

Section 7. Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including dismissal. Non-employees engaged in violent acts on County property will be reported to the proper authorities and fully prosecuted.

ARTICLE XV - DISCRIMINATION, HARASSMENT AND RETALIATION PROHIBITED

Section 1. Purpose

The County prohibits harassment, including but not limited to sexual, racial, disability, national origin, citizenship status, age, veteran, religious, as well as prohibiting all other forms of discrimination or of any employee, whether it is by a co-worker, a manager, a customer, or a vendor. Sexual advances, requests for sexual favors, suggestions express or implied, of quid pro quo arrangements, sexual or racial jokes, racial, ethnic, national origin, or disability slurs, and other harassing language or conduct have no place in County employment. In addition, physical conduct of a sexual nature will not be tolerated. It is expected that employees will treat one another with mutual respect and dignity. Harassment, of any type, by any employee, is grounds for disciplinary action up to and including dismissal. Pender County does not tolerate retaliation against any employee or applicant for raising, verbally or in writing, opposition to what that person believes to be prohibited discrimination. Retaliation by any County employee is grounds for disciplinary action up to and including dismissal.

Any employee who is aware of any instances of discrimination, harassment or retaliation should report the alleged behavior immediately to a non-offending supervisor, manager, or to Human Resources.

Supervisors and managers who receive a complaint of discrimination, harassment or retaliation, whether verbally or in writing, must immediately contact Human Resources.

Any employee found to have harassed, discriminated or retaliated against another employee or a customer will be subject to disciplinary action, up to and including dismissal. No employee will be subject to retaliation for reporting harassment or discrimination. Employees are expected to act responsibly to maintain a respectful working environment and must report knowledge of discrimination or harassment.

Employees and applicants are protected from coercion, intimidation, interference, and discrimination for filing a complaint or assisting in an investigation under the laws and County policies covering these individuals. Periodic reviews will ensure that personnel decisions are in full accord with the principles and spirit of equal employment opportunity law.

The County will investigate every complaint of discrimination, harassment or retaliation it receives. While the County will endeavor to treat each complaint, it receives in a respectful and confidential manner, any complaint of discrimination, harassment or retaliation, whether oral or written, will be documented. The County's actions in regard to the complaint will be documented, as will the County's resolution of each complaint. Employees determined to have discriminated against, harassed or retaliated against another County employee will be disciplined, up to and including dismissal.

Section 2. Employee Responsibility

Employees are not only encouraged to report instances of harassment, including sexual harassment, but they are obligated to report instances of harassment.

It is the duty of all employees, especially supervisory personnel, to be familiar with this Policy. Each employee has a stake in preventing harassment.

No employee shall, in any way, retaliate, harass or discriminate against a person making or involved as a witness or otherwise in a complaint of harassment.

Employees are obligated to cooperate in every investigation of harassment. The obligation includes, but is not necessarily limited to:

- A. Coming forward with evidence, both favorable and unfavorable concerning a person accused of harassment;
- B. Fully and truthfully making a written report under oath upon request; and
- C. Answering questions when required to do so by an investigator during the course of an investigation of harassment.

Employees are also obligated to refrain from making accusations of sexual harassment in bad faith.

This policy covers all County employees. While the County Manager is not generally subject to this personnel policy, all County employees are protected from discrimination, harassment, or retaliation by or from the County Manager. The procedure for making a complaint against the County Manager is set forth below.

Section 3. How to File a Complaint of Discrimination, Harassment or Retaliation

Employees who believe that they have been discriminated against, retaliated against for reporting alleged discriminatory behavior or harassed are encouraged to file a written complaint in accordance with the following complaint procedure. While a written complaint is the preferred procedure, a verbal complaint will also be investigated fully.

An employee may file a complaint of discrimination, harassment or retaliation, with the Human Resources Director or with a supervisor who is not the subject of the complaint. Any management person who receives such a complaint must transmit that complaint to the Human Resources Director. The Human Resources Director will review the complaint and will see that the complaint is investigated. The investigation will result in a written report to the County Manager or his/her designee, and the complaining employee. If the subject of the allegation is the County Manager then the complaint shall be directed to the Chairman of the Board of County Commissioners.

If the report does not resolve the matter to the complainant's satisfaction, the complainant may request a meeting between the complainant, the County Manager and anybody the County Manager thinks needs to be in the meeting. The purpose of this meeting is to allow the complainant to discuss his/her complaint and to try to resolve it. This is the final step of the process.

ARTICLE XVI – DRUG-FREE WORKPLACE AND DRUG AND ALCOHOL POLICY

Section 1. Policy

The County is committed to ensuring the safety, health, and well-being of employees and the general public and recognizes that the abuse of alcohol and other drugs compromises this dedication. Pender County's goal is to provide a working environment free of substance abuse and drugs by establishing this "Zero Tolerance" Drug-Free Workplace policy.

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

This policy covers all County employees including probationary, regular full-time, regular part-time, trainees, temporary, seasonal, contract and volunteers, except employees of the Sheriff's Department. This policy provides for pre-employment testing, random selection testing, post-accident testing, and reasonable suspicion testing.

NOTE: The Pender County Board Elections voted, on September 11, 2018, to waive the Drug Testing and Criminal Background Check of Precinct Election Officials who are hired to work during One-Stop Early Voting and on Election day.

Section 2. County Responsibilities

The County will:

- A. Assure employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner;
- B. Create a workplace environment free from the adverse effects of drug abuse;
- C. Prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances in the workplace;
- D. Prohibit substances including but not limited to, the use and/or abuse of prescription, over the counter medications and illegal drugs; and
- E. Prohibit the consumption of alcohol in the workplace or while carrying out County duties and responsibilities;
- F. Hold results of tests in the strictest confidence. Applicants and employees who test positive will be provided with a copy of the test results, if requested, and may request a retest of the original sample at the individual's expense.

Section 3. No Expectation of Privacy on County Property or In County Vehicles

The County reserves the right to search employer-owned items used by the employee (i.e., desk, lockers, County vehicles/equipment, etc.) and employees have no expectation of privacy in these areas or containers. Law enforcement officials and Department Managers will be notified in appropriate cases.

Section 4. Controlled Substance and Alcohol Abuse Program

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

- A. Training of supervisors on the Drug-Free Workplace Policy; training to recognize and deal with employees who have performance problems or behavioral problems that may be related to alcohol and other drugs; training on how to make the determination on reasonable suspicion; how to refer employees to available assistance and the process for taking appropriate action.
- B. Training to employees with the information they need to fully understand, cooperate with and benefit from the County's Drug-Free Workplace Policy.
- C. All regular full and part-time employees to receive information during their new employee orientation and refresher training annually or on an as-needed basis on the dangers of a controlled substance and/or alcohol abuse, the County's expectations for employees, testing procedures, rehabilitation, and penalties.
- D. Testing for controlled substances and/or alcohol for pre-employment, post-accident, reasonable suspicion, random, and follow-up testing, where appropriate; to include prescribed requirements and procedures required by the FMCSR.
- E. Referral for treatment and rehabilitation as an alternative to job loss in a rehabilitation program acceptable to the County, for employees who notify their agencies of an abuse problem prior to being discovered.
- F. Any employee violating the prohibitions or any of the specific provisions of this Article to be subject to disciplinary action up to and including termination from County employment.

Section 5. Unacceptable Conduct

Substance abuse and/or alcohol use are strictly prohibited by the County and may result in termination of employment. Prohibited behavior includes, but is not limited to:

- 1. The violation of the North Carolina Controlled Substance Act, the North Carolina Toxic Vapors Act or the U.S. Controlled Substance Act; or
- 2. A positive alcohol test indicates an alcohol concentration level of .04 or higher; or

3. A positive test for a controlled substance; or
4. The refusal to submit to drug and/or alcohol testing; or
5. The refusal to authorize the release of the test results to the requesting department; or
6. Evidence of tampering with a substance and/or alcohol test being administered by or for the County.

Section 6. Responsibilities of Managers, Supervisors, and Employees

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

Section 7. Procedures

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

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

- B. **Notification and Consent:** Employees will be notified if they are suspected of using or having a dependence on a controlled substance, alcohol or the abuse of over the counter medication in violation of the County's policy and must submit to testing. Failure to do so, or to violate any other provisions of the County's policy

on Controlled Substance and Alcohol Abuse, shall be grounds for dismissal. Any adulteration of a test will be grounds for dismissal. Before an alcohol or drug test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting the release of the test results to those County officials who need to know. Failure to give consent will be grounds for denial of employment or dismissal.

Human Resources will be the point of contact for all drug testing. The Human Resources Director or his/her designated point of contact will receive and maintain records of all drug testing results. Human Resources shall notify Department Managers and employees of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are confirmed positive. Human Resources shall notify an applicant of the results of a pre-employment controlled substance test conducted under this policy if the applicant requests such results within sixty (60) days of the notification of rescission of the conditional employment offer.

- C. **Follow-up Testing:** The County reserves the right to conduct unannounced follow-up tests on any employee who has been conditionally returned to duty after having previously been approved and successfully completed a rehabilitation program. When the County determines that a follow-up test will be performed, the Department Manager will be notified and responsible for notifying the employee of the date and time to report to the testing facility designated by the County.
- D. **Off the Job Offense:** Any employee arrested for a drug and/or alcohol-related offense must notify his/her supervisor within five (5) days of the arrest. Such employee may be required to submit to substance testing as defined herein. Failure to notify the supervisor within the required period of time may result in the employee's termination.
- E. **Challenge of Results:** Within five (5) days of notification of a confirmed positive drug test, an employee or applicant may request that the original sample be sent to an approved laboratory for another test, at their expense. The results of this test will be taken into consideration for hiring and disciplinary action decisions. Employees or applicants will be offered the opportunity to discuss confirmed positive test results with the Medical Review Officer (MRO) to determine if there are alternative explanations for the positive test.
- F. **General Testing Procedures:** In all cases of reasonable suspicion testing, the employee must be escorted to the County's medical provider by their supervisor or designee for testing. In the case of a post vehicular accident, the employee shall not be authorized to operate a County vehicle until the test results are received and the results are negative.

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

1. All employees will be afforded the opportunity to read and complete the Initial Notice to Employees/Applicants. According to this document, in the event that an employee/applicant has a positive drug test, the employee will be given the opportunity to have the sample retested. Re-tests must be the same sample and will be paid for by the employee/applicant.
2. All employees will be afforded the opportunity to read and complete the Post-Test Notice to Employees/Applicants.
3. The above-listed forms will be returned to Human Resources once completed.
4. Failure to complete these forms or release the results to the requesting agency may result in dismissal.

H. **Types of Testing:** Testing may include, but is not limited to, urinalysis, breath-analysis, hair or blood sampling. Positive results for controlled substances and/or alcohol will result in dismissal. The Department Manager, coordinating his/her efforts with Human Resources and complying with the current personnel human resources policy, may place an employee on administrative leave pending the final results of testing. Assisting or tampering with a testing procedure may result in dismissal of an employee or withdraw of a conditional job offer to an applicant. The results of a confirmation test will be considered final and a "new" test will not be permitted. An employee/applicant may, however, request to have the original sample re-tested at their expense.

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

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

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

K. Classifications for Testing:

- A. Pre-Employment Testing:** Prospective employees will be notified through a contingent offer that they are subject to drug and/or alcohol testing. All drug testing must be coordinated through Human Resources, except for the Sheriff's Department, and will be administered by the County's chosen medical provider. Human Resources will schedule pre-employment testing with the applicant. A confirmed positive test will result in the rescission of the job offer to the applicant. A confirmed positive drug test for current safety-sensitive employees applying for a promotion, demotion or transfer may result in a mandatory referral for treatment or evaluation, or possible disciplinary action up to and including termination. Human Resources must receive screening results before an individual is permitted to begin employment.
- B. Reasonable Suspicion:** All County employees are subject to testing as a result of behavior that leads a supervisor to have reason to suspect controlled substance and/or alcohol usage, or abuse of over the counter medication. Such testing will be conducted when a supervisor has reason to suspect that an employee's ability to perform his/her job safely and efficiently is impaired. Under this condition, an employee's refusal to submit to testing or to allow the County access to the test results will result in dismissal. Supervisors shall remain alert to instances of substandard performance and/or personal conduct. Documentation shall be kept and brought to the attention of the employee, without making any accusations of substance or alcohol abuse. "Reasonable suspicion" is defined as a set of specific facts which, taken together with rational inferences from those facts, leads a supervisor to believe that an employee is on duty under the influence of controlled substances, alcohol, or over the counter medication. Such factors may include, but not be limited to, one or more of the following:
1. Direct observation of drug or alcohol abuse and/or the physical symptoms of being under the influence; or
 2. Abnormal or erratic behavior at work, a pattern of absenteeism, tardiness or deterioration in performance; or
 3. A report of substance or alcohol use provided by a reliable and credible source; or
 4. Evidence of tampering with a substance or alcohol test administered by or for the County; or

5. Any employee involved in an on the job incident resulting in injury to persons or property damage; or
6. Evidence an employee is involved in the use, possession, sale, solicitation or transfer of drugs while on the job or while operating County vehicles or other equipment; or
7. An employee's admission of substance abuse.

C. Upon determining of "reasonable suspicion," the Department Manager or his/her designee shall:

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

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

- A. A fatality
 - B. An injury to another individual requiring immediate medical treatment away from the scene of the accident
 - C. The employee's vehicle is disabled and removed from the scene by other than its own power.
 - D. An accident that would necessitate the need to file a claim with the County's Property and Liability Insurance.
 - E. A sequence of minor accidents or injuries where medical treatment may not have been required.
 - F. Reasonable suspicion based on facts that conclude the accident was due to the employee's drug or alcohol impairment.
- M. Following an accident as defined above, the employee will be tested as soon as possible but not to exceed eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing. If the test is not administered within two (2) hours following the accident, the County shall prepare and maintain on file a record stating the reasons the test was not promptly administered.
- N. In the case of positions requiring a commercial driver's license, if a test required by this section is not administered within eight (8) hours for alcohol and thirty-two (32) hours for drugs, following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the Federal Highway Administration (FHWA) upon request of the Associate Administrator.
- O. The Department Manager or supervisor will ensure that the testing will be completed by the County's chosen medical provider and the results be forwarded to Human Resources. County employees will authorize the release of the test results to the County's Human Resources Department.
- P. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the County to have refused to submit to testing. If an employee refuses to submit to required post-accident drug and alcohol testing, they will be considered positive for drugs and alcohol and will be subject to immediate dismissal. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. No driver required to take a post-accident test shall use alcohol or controlled substances for eight (8) hours following the accident or until he/she undergoes post-accident testing, whichever occurs first.

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

1. The County's shall periodically throughout the year, randomly select employees covered by this classification for testing. Human Resources will be responsible to ensure the County medical provider maintains a current list of employees. The respective Department Manager will be notified and responsible for notifying their selected employees of the date and time to report to the testing facility designated by the County.
2. **Controlled Substances:** Random testing will be conducted throughout the year on an unannounced basis. Employees in job classifications covered by the FMCSR and DOT regulations will follow applicable test guidelines. Employees will only be tested for the following drugs: Marijuana metabolites, Cocaine metabolites, Amphetamines, Opiate metabolites, and Phencyclidine (PCP).
3. The Medical Review Officer (MRO) will review a positive test for controlled substances prior to reporting to the County. An employee may request, at his/her own expense, a retest of the original sample. The County's medical provider will arrange for the retesting of the split sample.
4. **Alcohol:** Random testing will be conducted throughout the year on an unannounced basis. Employees in job classifications covered by the FMCSR and DOT regulations will follow applicable test guidelines. Employees will be tested on approved test equipment. A negative test for alcohol will indicate an alcohol concentration level of less than .04. A confirmed positive test will indicate an alcohol concentration level of .04 or higher. Should the employee request a retest, this must be completed at his/her expense through the County medical provider within one hour of the original confirmed positive test.

Section 8. Safety-Sensitive Positions

A safety-sensitive position is a position where the duties involve such a great risk of injury to others that even a momentary lapse of attention can have disastrous consequences or a position where a single slip-up may have "irremediable consequences; the employee himself will have no chance to recognize and rectify his/her mistake, nor will other government personnel have an opportunity to intervene before harm occurs.

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

- A. Sworn Law Enforcement Officers
- B. Fire Fighters
- C. Rescue Personnel
- D. Medical Responders
- E. E911 Telecommunicators
- F. Emergency Management Director
- G. Assistant Emergency Management Director
- H. Fire Marshal
- I. Registered Nurses
- J. Licensed Practical Nurses
- K. Certified Nurse Aides
- L. Vehicle Mechanics
- M. Social Workers who are required to drive and/or transport clients as a regular part of their job duties.
- N. Employees who drive to carry out their regular duties on a regular basis are considered safety-sensitive.

NOTE: The Pender County Sheriff's Department follows its own Drug and Alcohol Policy and is not part of the County's policy.

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

occupying positions designated as safety-sensitive will follow the same applicable test guidelines as set forth in the DOT guidelines. Employees will be tested for but not limited to the following drugs: Marijuana metabolites, Cocaine metabolites, Amphetamines, Opiate metabolites, Phencyclidine (PCP).

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

Section 9. Employee Rehabilitation

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

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

ARTICLE XVII - USE OF SOCIAL MEDIA AND INFORMATION TECHNOLOGY USE

Section 1. Social Networking

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

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

A. Guidelines:

1. Employees may not use County resources to conduct personal blogging or social networking activities. Employees are prohibited from using a County email address in connection with any social networking or blog sites.
2. Employees are prohibited from any such activities while on County time while using either County or personal resources (including laptops, cell phones, and other electronic devices).
3. Employees cannot use blogs or social networking sites to harass, threaten, discriminate or disparage against employees or anyone associated with or doing business with Pender County.
4. Employees are legally responsible for the content they post to the Internet, in a blog or otherwise.
5. Employees can be held personally liable for defaming others and/or revealing confidential information, among other things.
6. If employees identify themselves as a Pender County employee, some readers may view the employee as a spokesperson for Pender County. Because of this possibility, employees should state that views expressed in their blog or social networking area are their own and not those of Pender County, nor of any person or organization affiliated or doing business with Pender County.

7. Employees cannot post on personal blogs or other sites the logo of Pender County or any business with a connection to Pender County.
 8. Employees cannot post privileged information on-line, including County-issued documents.
 9. Employees cannot post on personal blogs or social networking sites photographs of other employees, clients/customers/citizens, vendors, or suppliers, nor can employees post photographs of persons engaged in business with Pender County or at Pender County events without express permission from those individuals.
 10. Employees cannot link from a personal blog or social networking site to Pender County's internal or external web sites.
 11. Employees should be aware that personal postings may be read by not only friends and family, but possibly by co-workers, supervisors, County residents, and the media. Even if posted anonymously or under a pseudonym, identities can be discovered relatively easily. Employees should be careful when deciding what to include in a post or comment.
 12. The County may request removal of material that is disruptive to the workplace or impairs the mission of the County unless such postings are protected by local, state or federal laws.
- B. **Employer Monitoring:** Employees are cautioned that they should have no expectation of privacy while using County technology resources and postings can be reviewed by anyone, including Pender County. The County reserves the right to monitor comments or discussions about Pender County and its employees, posted by anyone, including employees and non-employees, on the Internet. Pender County may use blog-search tools and software to monitor forums such as blogs and other types of personal journals, diaries and personal and business discussion forums.
- C. **Reporting Violations:** Employees shall report any violations of possible or perceived violations of this policy to their supervisor, Department Manager or Human Resources. Violations include discussions of Pender County and its employees and vendors, any discussion of proprietary information and any unlawful activity related to blogging.
- D. **Discipline for Violations:** Pender County investigates and responds to all reports of violations of the rules and guidelines set forth in this policy and other related policies. Violation of this policy may result in disciplinary action up to and including termination. Pender County reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

Section 2. Information Technology Use and Other Policies

In using County provided technology to carry out the work of the County, all employees shall comply with all County policies including, but not limited to, all policies related to information technology services and use.

Section 3. Use of Personal Cell Phones During Work Time

Employees should be aware that use of a personal cell phone during work time is strongly discouraged. Frequent use of such devices for personal business during work time may result in disciplinary action. Personal calls should be limited to breaks in order to avoid disruption and distraction to other employees. As a matter of professional courtesy, all employees are expected to silence their phones to eliminate distractions to others. Employees working in direct public contact positions should be especially careful not to let personal cell phone calls interfere with providing service to the residents of Pender County.

ARTICLE XVIII – USE OF COUNTY ELECTRONIC EQUIPMENT AND INTERNET ACCESS

Section 1. Purpose

Pender County's computing resources are vital business assets and the property of Pender County. Pender County reserves the right to monitor employees for compliance with this policy. No employee has an expectation of privacy in any use of his/her county provided computer or other devices. Failure to comply with this procedure may lead to disciplinary action, up to and including termination of employment, and/or legal proceedings.

Section 2. Policy

This policy is intended to ensure that:

- A. The use of systems and equipment including, but not limited to, email, Internet, applications, telephones, tablets, and laptop computers provided by Pender County to its employees, is consistent with County procedures, all applicable laws, and the individual user's job responsibilities, and to establish guidelines for appropriate use.
- B. Pender County's computing and communication resources, data, information and information processes are consistently protected according to approved information security practices and legal requirements.
- C. Access to data and electronic approval of data on computer systems are allowed only by authorized users and only for the business purposes of Pender County, its departments and employees.

Section 3. Scope

This procedure applies to all officials, managers, directors, employees, contractors, and any third party specifically authorized to have access to Pender County's computing resources and information.

Section 4. Procedure - Employee Responsibilities

Employee responsibilities under this policy are as set out below.

- A. Use computer systems only as trained and as authorized. All computer use is for the business purposes of Pender County only. Personal use of Pender County computer systems and electronic equipment is prohibited. Computer use covers any access to all computer and information systems and resources, networks, software, hardware, Internet, and email of Pender County. All electronic data, including email messages, is the property of Pender County and may be required to be disclosed as public documents under N. C. law.
- B. Notify supervisor when/if unauthorized entry into computer systems occurs.

- C. Protect any computing resources and information within your area of access or responsibility.
- D. Comply with system procedures on data retention of computer files (e.g., retrieval, destruction of files and backups per retention schedules). Failure to keep certain electronic records may violate the law. For North Carolina State retention guidelines go to:
<http://www.ncdcr.gov/archives/ForGovernment/RetentionSchedules/LocalSchedules.aspx>
- E. Comply with this policy and any other County procedures governing information security and appropriate use of computing, electronic resources, and data.

Section 5. Procedure - Management Responsibilities

Management responsibilities under this policy are set out below.

- A. Ensure that all Officials, Managers, Directors, Employees, Contractors, and any third party specifically authorized access are informed of this policy and any other guidelines pertaining to computing resources and information and enforce this procedure and any other applicable guidelines.
- B. Ensure that all Officials', Managers', Directors', Employees', Contractors' and any third parties' privileges to access computing resources, data, information and information processes are limited to those required to perform their current responsibilities, and that the appropriate IT staff are notified when changes to such access privileges are required.
- C. Ensure that known or suspected security issues are promptly and properly reported and resolved.
- D. Ensure that upon the termination or transfer of an employee, the appropriate ITS staff is informed of such termination or transfer in order to prevent access of unauthorized users to the County's information systems environment. The ITS department should be made aware of the departure as soon as management is informed.
- E. Ensure that employees are educated and follow the data retention guidelines for electronic records.

Section 6. Electronic Messaging

Email is considered to be an official form of communication by the employees of Pender County. Users are expected to comply with normal standards of professional and personal courtesy and conduct. This Section includes text messages sent and received on County-owned telephones issued to County employees.

A. Harassment

Email and any other electronic communications are for work purposes only. Harassment and other offensive communications and images are strictly prohibited. Harassment includes, but is not limited to, any derogatory transmission referencing a person's race, color, religion, sex, age, national origin, sexual orientation, disabilities, or physique. Violation of this Section may result in disciplinary action up to and including dismissal.

B. Offensive Communications

This form of prohibited message (through email, text or any other electronic communication) includes, but is not limited to insulting, defamatory, or sexually explicit messages or images. Also included in this category are messages with obscene language, chain letters, jokes (whether offensive or not), and gossip of any kind. Violation of this Section may result in disciplinary action up to and including dismissal.

C. Other Prohibited Email Practices

1. Email must not be used in a way that may compromise the integrity of Pender County and its business in any way.
2. When sending or forwarding an email, either internally or externally, all employees shall identify themselves clearly and accurately. Anonymous or falsely identified postings are forbidden.
3. Distribution of chain letters is prohibited.
4. Email users shall not solicit or address others regarding commercial, religious, or political causes, or for any other solicitations that are not work-related. Personal solicitations sent to all users are prohibited unless expressly authorized by the department head. Violation of this Section may result in disciplinary action up to and including dismissal.

Section 7. Use of Pender County-Provided Internet Access

Internet access is provided for county employees to be used for County business only. County-provided internet access is not to be used for personal purposes.

- A. It is important to note that all Internet usage is monitored. In the event of repeated abuse of the County's internet access, disciplinary action up to and including dismissal may be imposed.
- B. Employees should not access non-business-related sites using County internet access.

- C. Employees may not access sexually explicit, racially offensive or other hate-related sites or download music files, video files or pictures. This is prohibited.
- D. Accessing streaming video and audio is also prohibited (i.e., radio, news, and video feeds, etc.) unless it is being used for County business.

ARTICLE XIX - ADVERSE WEATHER/CATASTROPHIC CONDITIONS POLICY

Section 1. Policy

Pender County must ensure the delivery of services to citizens and businesses even during times of adverse weather or other catastrophic conditions. This policy sets out how the County will conduct its operations during such occurrences. It also sets out how employees will account for time when inclement weather or catastrophic conditions prohibit or adversely impact the ability of employees to report to work or to remain at work, or necessitate the suspension of non-mandatory County operations and services.

Section 2. Departments, Functions, and Employees Covered

This policy covers all departments, functions, and employees of Pender County unless otherwise exempted. Employees of the Sheriff's Office and the Register of Deeds Office are exempted from this policy unless specifically included by the Sheriff or the Register of Deeds.

Exception: Some County functions and services are required to operate twenty-four hours a day, seven days a week. This policy authorizes those functions to adopt a different policy for adverse weather/catastrophic conditions. Those departments that report to the County Manager must have the advanced approval of the County Manager for any such policy that deviates from this policy. All departmental policies that deviate from this policy shall be provided to every employee of that department and shall be on file with the Human Resources Department.

Section 3. Determination of Adverse Weather

For the purposes of this policy, adverse weather occurs when the National Weather Service issues severe weather warnings for weather conditions that may adversely impact an employee's ability to arrive at and leave work, or may adversely impact the County's ability to continue to provide non-mandatory operations to clients, customers, patients, students or the general public.

Section 4. Determination of Closing Offices/Suspending County Operations

It may become necessary, due to adverse weather or catastrophic conditions, to suspend some County departments or functions for a limited period of time. Only the County Manager, the Register of Deeds and the Sheriff have the ability to suspend operations under their control. Travel advisories by the N. C. State Highway Patrol or a declaration of a "State of Emergency" by the Governor shall not necessarily require closure of County operations.

Section 5. Accounting for Scheduled Work Time Lost Due to Inclement Weather

Whether Pender County offices are open or closed, employees are encouraged to use their judgment in determining their safety needs during severe weather and act accordingly. Employees who are not able to report due to weather conditions are required to notify their supervisor and to report to work when safety permits. During periods of adverse weather, when offices are reopened, employees who do not report to work shall charge scheduled work time missed to vacation leave (or to

compensatory time, if available.) Employees who do not have a positive vacation leave balance shall be docked in pay for all scheduled work time missed due to adverse weather.

Employees who do not report to work due to closings of schools because of adverse weather shall charge vacation leave (or to compensatory time, if available) for all scheduled work time missed.

If department operating hours are modified due to adverse weather or other emergencies, employees who are absent from work will be required to take leave only for those hours the department is officially open during their work schedule.

Section 6. Employees Who Are Required to Report to Work during Adverse Weather/Catastrophic Conditions - “Essential Employees”

Due to operational necessity, some County functions may be required to operate and some County employees may be required to report to work during adverse weather/catastrophic conditions. It is the responsibility of each Department Manager, together with the County Manager, to determine which County operations and which employees supporting those operations shall be required to report during adverse weather. These functions and the employees required to be present to carry out these functions are essential functions and are “essential employees”. Generally, essential employees are full-time employees and part-time employees that work twenty-four (24) hours or more per week.

Employees in essential functions shall be notified of this requirement in writing during the hiring process. Department managers shall list all positions designated as essential and file such list with the Human Resources Department.

Essential employees required to report to work during adverse weather/catastrophic conditions who fail to report to work shall be subject to disciplinary action up to and including dismissal.

NOTE: This Section does not apply to those County departments who have adopted a different inclement weather policy as set out in [Article XIX Section 2](#).

Section 7. Inclement Weather Pay

If the County Manager has suspended operations of the County due to adverse weather/catastrophic conditions employees will receive a maximum of 16 hours of pay, per weather event, up to your regularly scheduled workweek to compensate for scheduled hours lost during the closure of County operations. If the closure exceeds two days of scheduled work, employees may choose to use vacation, holiday or compensatory leave to make up for the closure. Temporary and seasonal employees are not eligible for inclement weather pay. Employees will not receive inclement weather pay that have been pre-approved to use vacation or sick leave prior to the closure unless their Supervisor has authorized them to work as an essential employee. In order to receive inclement weather pay, an employee must be scheduled to work

during the hours of suspended operation and must report to work for the remainder of the scheduled work day as required by the supervisor. Inclement weather pay is to be used within the pay period(s) of the closure, unused hours are not carried over or paid out for any reason.

A nonexempt employee who chooses not to use paid leave to make up for the closure will not be paid for any time exceeding two days that operations are suspended and will be responsible for paying all benefit plan premiums not covered.

Exempt employees that work any portion of a workweek in which the County Manager has suspended operations will be paid for the full workweek but will be required to use inclement weather, vacation and holiday paid leave to make up for the closure.

In the event an exempt employee has not worked any time in a workweek during which the County Manager has suspended operations, such an employee will receive up to two days of inclement weather leave and may choose to make up the remainder of the closure period with vacation and holiday paid leave.

Section 8. Emergency Responsibilities - Department Managers

Department Managers are responsible for establishing a list of essential positions and planning for alternate work arrangements for employees to continue County service provisions in times of emergencies. Department Managers are also responsible for sharing the essential position list with Human Resources and ensuring that all persons offered an essential position know of that and know their responsibilities as essential employees. In an emergency situation, Department Managers are required to adjust their routine operations in accordance with the emergency sections of the County's Personnel Policies, Budget Manual, and Purchasing Manual so that the County may maintain orderly and compliant operations. All documentation for procedures and timekeeping in an emergency situation are provided to the employee in real-time in order to potentially file for reimbursement with grants or insurance accurately and on a timely basis.

Section 9. Essential Employee Responsibilities

Essential Employees are expected to report to work in their emergency role during their assigned shift in the event of adverse weather or catastrophic conditions occur. Failure to report may result in disciplinary action up to and including termination. The Department Manager may give employees with extenuating circumstances an exception to reporting, on a case-by-case basis by in consultation with Human Resources.

NOTE: Lack of childcare, transportation issues and conflicts, and living in another County or location which would make it difficult to report, are not considered extenuating circumstances. Employees are expected to make emergency preparedness plans for family members, pets, properties, and personal affairs before an emergency situation occurs so they are prepared to report as scheduled.

If an employee is assigned to work and there are extenuating circumstances that will prevent him or her from being able to report for emergency duty when an emergency activation has occurred, it is his/her responsibility to contact their supervisor or the designated person for his/her shift as soon as possible. The Department Manager will make the determination whether the circumstances are extenuating and whether an exception will be made.

Section 10. Pay for Essential Employees during County closure

Nonexempt employees designated as essential will be paid up to a maximum of 16 hours of inclement weather pay for scheduled hours and will receive straight time for hours worked during the closure. Employees who work over forty hours within the workweek will receive the overtime rate. Record keeping of such time is essential so that it can be determined when such time worked did exceed forty hours in a workweek. If a nonexempt essential employee is not required to work during the closure, they will receive pay based on [Article XIX Section 7](#) of this policy.

All exempt employees designated as essential shall be paid at their hourly rate for all hours required to be worked during the closure over forty in a workweek. During a closure, time worked by essential exempt employees over forty in a workweek shall be considered "exempt overtime." Such employees will also be paid their regular weekly salary. Essential exempt employees required to work during closure shall keep accurate records of their time worked, so that it can be determined when they worked beyond forty hours in a workweek. Inclement weather pay is to be used within the pay period(s) of the closure, unused hours are not carried over or paid out for any reason.

Those nonexempt essential personnel that are required to stay at the Emergency Operations Center or County offices during an emergency or inclement weather event are "engaged to wait" and because they cannot use the time effectively for their own purposes are considered to be working for all time required to be at the Emergency Operations Center or in designated County Offices. To be non-compensable, meal periods must be at least 30 uninterrupted minutes. For sleep time to be non-compensable, it must be at least five uninterrupted hours, up to a maximum of eight hours.

The County Manager has the authority to grant additional compensatory time to individuals required to work when the County is closed due to inclement weather per his/her discretion.

ARTICLE XX - DRESS CODE POLICY

Section 1. Purpose

1. To set out the expectations of Pender County for all employees regarding employee appearance and dress during work hours or at any time the employee is acting as a representative of Pender County.
2. To assure that each employee dresses in a professional and safe manner that will lend dignity to and respect for the employee and the services he/she provides on behalf of the County.
3. To assist members of the public and persons using County services to identify and recognize County employees.

Section 2. Policy

Pender County will provide services to the public in a professional manner. To project a professional public image during the delivery of County services, each employee will dress in attire that is considered professional and appropriate dress for the job duties of the employee.

Section 3. Coverage

This policy covers all County employees.

Section 4. Individual Departmental Policies

County operations with law enforcement responsibilities (the Sheriff's Department) or clinical responsibilities (Health and Human Services Department) may adopt different policies appropriate to those functions. Such policies shall be filed with the Human Resources Department and shall be communicated to new employees and to all employees on at least an annual basis.

Other departments, with the prior review and approval of the County Manager, may adopt individual departmental policies appropriate to their work and mission. Such policies shall be filed with the Human Resources Department and shall be communicated to new employees and to all employees on at least an annual basis.

Section 5. Appropriate Attire

Maintaining a professional appearance while working for and/or representing Pender County is the responsibility of every employee:

1. All garments are to be neat, clean, correctly sized, pressed (wrinkle-free), and in good repair. Employees wearing uniforms provided by Pender County are expected to turn the uniforms in when they are no longer in good repair.
2. Based upon an employee's job duties, open-toed shoes or sandals may not be appropriate for health and safety reasons.

3. Generally, unless specifically approved by the Department Manager and the County Manager, the following clothing/shoes are not appropriate work attire: Clothing that exposes bare mid-ribs or displays cleavage; visible undergarments; torn, patched or faded clothing; clothing with printed messages or pictures unless it is a logo for a department of Pender County; beach shoes, slippers, flip-flops; bare-back dresses (sundresses), bare-back blouses, tank tops, muscle shirts and tube tops; halter tops, or tops that expose the midriff and umbilicus; spandex or stretch pants, shorts, skorts; t-shirts or sweatshirts; and warm-up suits.

Section 6. Compliance with This Policy

It is the responsibility of all County employees to be in compliance with this policy while working or representing Pender County. Department Managers have the responsibility for administering this policy, including disciplinary action for non-compliance. Should an employee have a question about his/her clothing, he/she should ask their supervisor or Department Manager.

Section 7. Disciplinary Action for Non-Compliance

Employees who do not comply with this policy may be subject to disciplinary action as set out in [Article XII](#).

ARTICLE XXI – TRAVEL POLICY

Section 1. Purpose

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

Section 2. Applicability of Policy, Definitions, and Guidelines

All employees, County approved drivers, and officials of the County are subject to this policy.

A. Definitions:

1. **Authorizing Party** – individual authorized by this policy to approve or disapprove travel requests, cash advance requests, and travel reimbursement requests.
2. **Requesting Party** – County employee, approved driver or official who will be reimbursed for travel costs incurred while conducting County business.
3. **Travel** – going from the normal job location to a site located more than ten (10) miles from the normal job location to conduct County business.
4. **Transportation** – costs incurred for travel by automobile, taxi, rental cars, bus train, or plane. It includes tolls, parking fees, and tips for the handling of baggage.
5. **Subsistence** – costs incurred during travel for lodging and meals, including tips.
6. **Documentation** – original invoices, paid bills, attendance certificates, ticket stubs, agendas, etc.
7. **Statement of Travel Expenses (Form)** – travel reimbursement request.
8. **Travel Description Form** – general description and/or explanation of travel.
9. **Check Request** – Request of funds for accommodations or expense.

B. Guidelines:

1. Travel Authorization

- i. For all in-state, out-of-County travel, other than the travel of the County Manager and elected County officials, the Department

Manager is the authorizing official, unless otherwise directed by the County Manager, and is responsible for determining that a sufficient unexpended appropriation remains in the department travel budget to reimburse all expected costs of travel. Overnight travel should be no longer than 4 nights per trip unless otherwise authorized by the County Manager.

- ii. Out-of-state travel requests by employees and Department Managers will be authorized by the County Manager in addition to the Department Manager.
- iii. The Finance Director is responsible for determining that funds are available to cover the estimated cost of the approved travel. Travel requests will be submitted a minimum of five (5) working days prior to travel. Emergencies will be handled on a case-by-case basis. If a sufficient balance remains in the expenditure item, the estimated travel cost will be approved. If the remaining balance in the expenditure item is insufficient to cover the estimated cost of travel and other monies are not yet available, the authorizing party will be notified by the Finance Director. The Department Manager is responsible to ensure adequate funds are available for travel.
- iv. Authorization of travel requests will be based upon need and cost/benefit of travel as determined by the authorizing party and funds availability.
- v. Employee travel within Pender County does not require written approval of the authorizing party. However, the authorizing party should be made aware of the travel plans and give verbal approval of the plans. Failure to notify the authorizing party of the travel plans will result in the requesting party receiving no reimbursement for travel costs.
- vi. Use of a County automobile must be approved, prior to use, by the Department Manager. The traveler is responsible for securing the County vehicle from the County vehicle pool.
- vii. The County Manager must approve overnight travel for the County automobile.
- viii. The use of a personally owned vehicle must be approved. After hours emergency use of a personally owned vehicle must be approved on the next working day after the travel occurs.

- ix. All travel which is reimbursed by Federal or State-funded programs must conform to the travel guidelines as set forth in OMB Circular A-87 in addition to the County policy.

2. Arrangements, Accommodations, and Travel Allowances

- i. The authorizing party must approve all arrangements for travel. All travel costs, not paid in advance by the County, will be paid directly by the requesting party, and will not be billed to the County. The requesting party is encouraged to reserve transportation and lodging in advance when possible. Every effort should be made to stay within the estimated costs provided for authorization when making actual reservations and registrations.
- ii. The requesting party is encouraged to travel with the other employees and officials of the County and representatives of other government units when possible. The requesting party will be reimbursed for actual costs incurred only subject to the limitations established herein.

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

Section 3. Transportation

Reimbursement of Costs. All necessary bus, train, and air transportation will be obtained at the most economical rate available. Reimbursements will be made for actual costs that are incurred and receipt supported. The cost of travel to and from the normal job location or the personal residence of the requesting party and the point of departure/arrival is a reimbursable cost based on the shortest distance of travel. This includes the cost of taxi service and parking fees, as long as receipts are submitted.

A. Vehicles:

- 1. **Personally Owned Vehicle (POV):** A requesting party may use his/her personal automobile for travel and be reimbursed at the current Internal Revenue Service approved rate only if one of the following conditions are met:
 - A. No County automobile is available.
 - B. The requesting party has a physical handicap that requires use of a specially equipped vehicle or has a physician's statement certifying that use of a personal vehicle is required.

- C. An after-hours emergency situation requires the travel.

Use of a personally owned vehicle should be approved five (5) working days in advance. Elective use of privately-owned vehicles (POV) will be reimbursed on a per-mile basis at the current IRS rate. The traveler must include beginning and ending odometer readings in order to be reimbursed for mileage. Reasonable mileage will be reimbursed for work-related travel only considering the starting and ending points as the traveler's normal business address. Personal trips must be deducted from the total mileage to be reimbursed.

2. County Funded Vehicles:

- A. **County Vehicles:** County automobiles may be used for any authorized travel. The requesting party must obey all laws of the jurisdiction in which the automobile is being operated. The automobile will be used for the purpose of conducting County business only. A minimal amount of personal use, such as driving the automobile to and from dinner, will be allowed. Non-County employees may accompany County employees if they have a business interest in the travel.
- B. **Rental Vehicles:** A rental automobile will be used when it is determined that no other mode of transportation is as economical or practical. A rental automobile should be used for business purposes only. A minimal amount of personal use, such as driving to and from dinner, will be permitted. The use of a rental automobile must be approved in advance.
- B. **Local Transportation:** Local transportation costs (e.g. taxi fare) incurred while on out-of-town business will be reimbursed. The most economical and reasonable form of transportation will be used. Receipts must be obtained and submitted with travel reimbursement requests.

Section 4. Subsistence

A. Lodging:

1. Lodging will be reimbursed at the actual amount incurred. The traveler should seek out the lowest priced accommodations that will meet their needs.
2. Itemized receipts for lodging costs must be submitted. The lodging rate is limited to the lowest available single room rate when an employee is traveling with his/her spouse and children.
3. Lodging expenses for locations that are within seventy-five (75) miles of the County seat must be approved in advance by the County Manager.

B. Meals:

1. Meals will be reimbursed at a rate not to exceed \$50.00 per day, \$25 per meal, including tips. Reasonable tips will be reimbursed as part of required meals and should range between 15% - 20% of the pre-taxed meal cost, tips in excess of 20% will not be reimbursed. Purchase of alcohol with county funds is strictly prohibited. Cash tips in exchange for alcohol is strictly prohibited. The purchase of grocery items in lieu of meals will be permitted but must be limited to food and beverage items to sustain the traveler for the length of the trip only.
2. Meals served, as part of a convention or conference will be reimbursed only if they are charged separately from the registration fee. Documentation of actual cost must be attached to the statement of expenses when reimbursement is requested. The cost of meals included in the total registration fee for a convention or conference will not be reimbursed. The County Manager will handle exceptions to the meals' reimbursement policy that exceed the maximum amount allowed on a case-by-case basis.

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

D. Other Costs:

1. Long-distance personal telephone calls are not reimbursable except in emergencies. Emergencies would include a significant change in travel plans. Phone calls for Official County business are reimbursable expenses. These calls must be supported by documentation of the circumstances for the call(s).
2. Receipt supported registration fees for a conference or convention will be reimbursed provided the fee was approved on a Statement of Travel Expenses and attendance at the convention or conference by the requesting party does not violate the specifications set forth within this policy.
3. No reimbursement is allowed for entertainment, snacks, drugs or alcoholic beverages. An exception is made in the case of small items purchased for a child while in protective custody of the County. This exception must be documented by reference to the applicable case number.

Section 5. Reimbursement Procedures

A. Submitting Expense Reports:

A requesting party will complete a Travel Reimbursement Request and Expense Report (TRR&ER) if needed, attach receipts for expenses requiring them, and submit it to the Finance Department complete with all required signatures and receipts no later than fourteen (14) working days after returning from travel. Advances will be deducted from reimbursable costs. If the travel claim is not submitted within fourteen (14), a garnishment will be submitted to payroll. Cash reimbursements to the County should be given in exact change. Reimbursements to the employee will be processed as part of typical finance accounts payable procedures.

1. A requesting party will complete a Travel Report Form in its entirety.
2. A requesting party submitting a falsified Travel Reimbursement Request and Expense Report (TRR&ER) will be subject to disciplinary action and criminal prosecution. An authorizing party or Finance Officer who approves a TRR&ER that he or she knows to be false will be subject to disciplinary action or criminal prosecution (Ref. G.S. 159).

B. Approval and Processing of Reimbursement Requests:

1. Travel Reimbursement Request and Expense Report (TRR&ER) will be fully completed, signed and submitted to the authorizing party for approval. After approval by the authorizing party, the original form(s) with its supporting documentation should be forwarded to the County Finance Department.
2. The Finance Officer will determine that Travel Reimbursement Request and Expense Report (TRR&ER) and/or Travel Report Form have been properly approved, that the information provided is mathematically correct, and that requested reimbursements are consistent with submitted receipts and are within the limits set by this policy. If an error in the reimbursement request is found, the requesting party will be informed and the error will be corrected before payment is made.
3. Reimbursement requests will only be approved when accompanied by a Travel Report. The travel report is a narrative description of the purpose of the travel and the expected and achieved improvement in job performance as a result of the travel.

ARTICLE XXII – EMPLOYEE RECORDS AND REPORTS

Section 1. Employee Records Maintenance

The personnel records custodian shall be the County Manager, whose responsibility it is to maintain a personnel file for each County employee. The County Manager may designate an individual or individuals to act as Records Custodian. Unless determined otherwise by the County Manager and documented in writing, Human Resources shall serve as Records Custodian and shall maintain the proper records and documentation of personnel records as required by law. These records provide information needed to administer employee payroll and benefits; to comply with federal, state, and local laws and regulations; and to document employee performance. Other departments may keep some relevant personnel records, as long as copies of such personnel records are provided to Human Resources.

Human Resources will maintain employee files in accordance with North Carolina General Statute 121-5, which governs the retention of public records. Employees are responsible for supplying Human Resources with up-to-date information including home address, telephone number, change in marital status, change in the status of dependents, change in visa or citizenship status, and change in military reserve status.

Section 2. Access to Employee Records

Access to employee records is governed by North Carolina General Statutes 153A-98 and, which allows any person to have access to public information as defined in this section for the purpose of inspection, examination, and copying during the County's regular business hours, subject only to such rules and regulations for the safekeeping of public records as the County Board of Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

A. **Public Information:** The following information on each County employee is public information:

1. Name.
2. Age.
3. Date of original employment or appointment to the county service.
4. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the county has the written contract or a record of the oral contract in its possession.
5. Current position.
6. Title.
7. Current salary.

8. Date and amount of each increase or decrease in salary with that county.
9. Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with that county.
10. Date and general description of the reasons for each promotion with that county.
11. Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the county. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the county setting forth the specific acts or omissions that are the basis of the dismissal.
12. The office to which the employee is currently assigned.

B. **Access Process:** Access to such information shall be made by written application to the Records Custodian and is governed by the following provisions:

1. N.C.G.S. 132-6 Inspection and Examination of Records.
2. Any individual examining a personnel record may obtain copies of the information identified above.
3. If the Records Custodian determines the request for information is for public information, the custodian shall provide such public information within five (5) working days.

Section 3. Confidential Information

A. All information contained in the County employee's personnel file, other than the information listed in Section 2 of this Article will be maintained as confidential in accordance with the requirements of North Carolina General Statute 153A-98 and will be open to inspection only in the following instances:

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

4. By order of a court of competent jurisdiction, any person may examine such portion of the employee's personnel file as may be ordered by the court.
5. An official of an agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of the personnel records to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability. However, such official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
6. An employee may sign a written notarized release, to be placed with his/her personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
7. The County Manager, with concurrence of the County Board of Commissioners, may inform any person of the employment or non-employment, promotion, reassignment, demotion, suspension, or other disciplinary reasons for that personnel action. Before releasing the information, the County Manager will determine in writing that the release complies with applicable laws and is essential to maintaining the public trust and confidence in the administration of services or to maintain the level and quality of County services. This written determination shall be retained in the office of the clerk, and is a record available for public inspection and will become part of the employee's personnel file.
8. Even if considered part of an employee's file, the following information may be withheld from an employee:
 - i. Testing or examination material used solely to determine qualification when disclosure would compromise testing procedures.
 - ii. Investigative reports concerning possible criminal actions against the employee until the investigation is completed.
 - iii. Information that might identify undercover officers or informers.
 - iv. Notes, preliminary drafts, and internal communications unless used for official personnel decisions.

- B. Only individuals contemplated by G.S. 153A-98 as referenced in this section shall have standing to receive confidential personnel information. Such requests shall be made in writing by the individual having standing and shall be made on a standard Pender County Disclosure of Confidential Information form, such form must contain the signature of the requesting party. The requesting party shall not disclose such confidential information. The custodian shall provide such information within five (5) working days.
- C. Any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, may be judged guilty of a misdemeanor and upon conviction be fined in an amount not to exceed \$500 pursuant to G.S. 153A-98(e).

Section 4. Records of Former Employees

The provisions for access to records are applicable to both current and former employees.

Section 5. Records of Applicants

Applications and other information gathered with respect to an applicant will be kept confidential in accordance with North Carolina General Statutes G.S. 153A-98. The County will not release this information without written permission from the applicant.

Section 6. Remedies of Employees Objecting to Material in File

An employee who objects to material in his or her file may place in the file a statement relating to the material considered being inaccurate or misleading.

Section 7. References

The County does not give references, other than as to employment and last salary, without the express written consent of the employee, which shall release and hold harmless the County from all liability. Only the County Manager, a Department Manager, Human Resources Director or designee will provide employment references on current or former County employees.

Section 8. Destruction of Records

No public official may destroy, sell, loan or otherwise dispose of any public record, except in accordance with G.S. 121-5(B), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates or destroys it, will be guilty of a misdemeanor conviction, will be fined not less than \$10 or more than \$500, as provided in G.S. 132-3.

ARTICLE XXIII – IMPLEMENTATION OF POLICIES

Section 1. Conflicting Policies Repealed

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

Section 2. Severability

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

Section 3. Adoption by Resolution and Effective Date

These policies shall be adopted by resolution by the Pender County Board of Commissioners. The effective date of these policies will be designated in the adopted resolution.

Section 4. Administrative Modifications to Comply with Federal or State Changes in Labor and Employment Laws and Regulations

The County Manager may amend provisions of the Pender County Employee Personnel Policies manual where modification is necessary to remain in compliance with federal or state laws and regulations. All other modifications shall be made by resolution of the Pender County Board of Commissioners.

DEFINITIONS

- A. **Alcohol/Substance Abuse:** Consists of any use of illegal drugs or controlled prescription drugs obtained unlawfully; or excessive use of lawfully obtained prescription drugs or over-the-counter drugs or alcohol when such use substantially impairs job performance alters work behavior, and/or creates a risk to the health and/or safety of the employee or others.
- B. **Allocation:** The approval of a position by the appropriate authority based upon the needs of the County.
- C. **Applicant:** One who places himself or herself in competition for a vacant position by virtue of completing and submitting an application for employment regardless of employment status.
- D. **Authorized Absence:** An employee absence approved by the County after proper notification (reason for absence and estimated length of absence).
- E. **Benefit-Earning Status:** Regular employees who are regularly scheduled to work a minimum of forty (40) hours per week are eligible for at least a pro-rated portion of employer-provided benefits. Regular part-time employees who are regularly scheduled to work less than forty (40) hours per week may be eligible for a pro-rated portion of employer-provided benefits depending on their standard hour's classification. Temporary and seasonal employees are not eligible to receive County benefits.
- F. **Board of County Commissioners:** The local government unit charged with the legislative affairs of Pender County.
- G. **Break-in Service:** Any separation from employment with the County for any length of time whether by resignation, retirement, lay-off, disability, unauthorized absence or termination when the employee is subsequently re-employed by the County. An authorized leave without pay will not count as a break in service.
- H. **Classification:** A position or group of positions having similar duties and responsibilities and requiring similar qualifications that can be properly designated by one title indicative of the group of positions having similar ranking groups of classification based on internal comparisons and market surveys of relative duties and responsibilities.
- I. **Compensation Plan:** A plan to compensate employees either annually or hourly, formulated and recommended by the County Manager, and approved by the Board of Commissioners.

- J. **Compensatory Overtime:** Paid time off earned at a rate of time and one-half by a non-exempt employee for hours worked in excess of 40 hours in a workweek or, in case of non-exempt law enforcement officers, in excess of 86 hours in a 14-day period.
- K. **Continuous Service:** The length of employment with the County, from the first date of employment continuing until the employee's separation from employment by retirement, resignation or termination of employment. A break in service ends a period of continuous service.
- L. **Cost of Living Adjustment (COLA):** An adjustment in pay that takes into consideration the impact of inflation on purchasing power.
- M. **Demotion:** Movement of an employee from one job class to another within the County, where the pay grade for the new position is lower than that of the former position. A demotion is typically the result of a disciplinary action.
- N. **Downgrade:** A change that results in a lower pay grade being assigned to the classification of a position based on changes in essential duties, responsibilities, reorganization, or market comparable positions. A downgrade is not a disciplinary action.
- O. **Drug:** A controlled substance as defined in NCGS 90-87(5) or a metabolite thereof. These substances include but are not limited to, marijuana, cocaine, heroin, prescription drugs, alcohol, opiates, amphetamines, and synthetically produced drugs or other impairing substances. Drugs, unless the context indicates otherwise, does not include non-controlled, over-the-counter drugs.
- P. **Exempt Employee:** An employee specifically exempt from the overtime compensation provisions of the Fair Labor Standards Act (FLSA) as defined and limited by administrative rules and regulations; these employees generally have as their primary duty management, administration, or work of a professional nature.
- Q. **FLSA:** Fair Labor Standards Act is a federal statute defining minimum wage and overtime compensation, and classifying positions as exempt or non-exempt.
- R. **FMLA:** The Federal Family Medical Leave Act of 1993, with amendments.
- S. **Full-time Equivalent (FTE):** The number of hours worked per annum in relationship to a full-time position. The County uses 2,080 hours to calculate FTE.
- T. **Hostile Work Environment:** A work environment that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive.

- U. **Immediate Family:** Unless otherwise specified, immediate family means spouse, mother, father, guardian, child/ren, sister, brother, grandparents, grandchildren, plus the various combinations of half, step, in-law and adopted relationships that can be derived from these named.
- V. **Merit Increase:** An increase in pay as determined by the applicable compensation plan, based upon performance criteria and market salary comparisons.
- W. **Merit Principle:** A systematic and uniform method of personnel administration designed to provide objective recruiting, reemployment, retention, and promotion of those persons best qualified, all other factors excluded.
- X. **Non-exempt Employee:** An employee who is entitled to minimum wage and overtime compensation pursuant to the Fair Labor Standards Act.
- Y. **Overtime:** Work performed at the express authorization of the County in excess of forty (40) hours in a seven (7) day period as defined by the Fair Labor Standards Act. Unauthorized work is subject to overtime compensation but may result in disciplinary action to the employee.
- Z. **Pay Grade:** A level within the compensation plan into which job classes with similar job evaluation factors are placed for compensation purposes. Pay grades have a minimum rate, a midpoint rate, and a maximum rate.
- AA. **Position:** A group of duties and responsibilities assigned to a department, based upon the needs of the County that may be performed by one or more employees, not to exceed the full-time equivalent (FTE) of the position.
- BB. **Promotion:** Movement of an employee from one job class to another within the County, where the pay grade for the new position is higher than that of the former position.
- CC. **Quid Pro Quo:** Harassment that consists of unwelcome sexual advances, requests for sexual favors, or other verbal, visual, written or physical conduct of a sexual nature when the employee is told or threatened, expressed or implied, that submission to the conduct will influence any personnel decision.
- DD. **Reclassification:** A change in a position from one class to another based on changes in job content such as essential duties, difficulty, required knowledge, skills, or abilities, responsibility of the work performed, reorganization, or market considerations.
- EE. **Reduction in Force (RIF):** The abolishment of or reduction of a position or some portion of a position based on the needs of the organization, workload, and availability of funding.

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

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

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

II. Retaliation: Adverse treatment which occurs because of opposition to unlawful workplace harassment.

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

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

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

MM. Trainee:

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

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

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

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

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

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