

# Yadkin County Personnel Resolution



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## **OVERVIEW OF PERSONNEL POLICIES AND PROCEDURES MANUAL**

This Employee Manual is provided as a reference guide for policies, benefits, and general information about your employment with Yadkin County. This manual is not a contract between the County and the employee but a reference guide to the policies and procedures for Yadkin County. These policies and procedures are subject to change without notice.

A copy of this manual will be given to each Department Head and Supervisor. The manual is also accessible to each employee through the County's web site. If you have any questions about any of the policies, you should contact your supervisor.

This employee manual is based on the County's operational policies and procedures, policies and procedures required by federal and state statutes, and present employee fringe benefit programs, all of which are subject to change.

The County Commissioners and the County Manager, therefore, reserve the right to revise by addition, reduction, correction, deletion, or updating any part or all of the materials in this handbook.

Any changes made in the materials now covered or in those that may be covered in the future will be brought to the immediate attention of all employees through:

- Posting of the changes on the County website.
- Corrections issued to Department Heads who will maintain an updated copy.

## **INTRODUCTION TO YADKIN COUNTY GOVERNMENT**

The Yadkin County Board of Commissioners is the chief administrative and policy making body of Yadkin County government. Members of the board are elected to staggered terms, with three being elected every two years. Candidates are elected to four-year terms with the candidate receiving the fewest votes serving a two-year term. The Commissioners adopt an annual budget and make appropriations for the funding of the various services offered in Yadkin County. Real estate and general property taxes are the primary sources of revenue.

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

## **RESPONSIBILITY OF COUNTY MANAGER**

The daily administration of government is delegated by the Commissioners to the County Manager. The County Manager implements policies, provides financial guidance, and plans for future County needs.

The County Manager is responsible to the Board of Commissioners for the administration of the personnel program. The Manager can appoint, suspend, and remove all county officers and employees except elected officials or those whose appointments are otherwise provided by law.

The County Manager shall:

- Recommend rules and revisions for the personnel system to the Board of Commissioners for consideration;
- Recommend revisions to the position classification plan to the Board of Commissioners for approval;
- Prepare and recommend revisions to the pay plan to the Board of Commissioners for approval;
- Establish and maintain a roster of all persons in county service, setting forth each officer and employee, class, title of position, salary, any changes in class title and status, and such data as may be deemed desirable or useful;
- Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the county;
- Develop and coordinate training and educational programs for county employees;
- Investigate periodically the operation and effect of the personnel provisions of this policy and at least annually report findings and recommendations to the Board of Commissioners;
- Perform such other duties as may be assigned by the Board of Commissioners not inconsistent with this policy;
- Serve as the Affirmative Action Officer, with such authority and responsibilities enumerated in the Affirmative Action Plan.

## **YADKIN COUNTY VISION STATEMENT**

Yadkin County will be widely known as a stable and high-quality community in which to live and work. The County is committed to assisting in developing a strong infrastructure, providing competitive jobs and salaries, and maintaining employee professionalism.

## **YADKIN COUNTY MISSION STATEMENT**

Yadkin County will work to promote and protect the interests of its citizens, while providing citizens with an array of services in an effective and efficient manner.

## **GENERAL EXPECTATIONS**

YOU, the employee, are an important individual. The citizens of Yadkin County are relying on you for the most efficient County service. The impression that you leave with a citizen is the impression they have of Yadkin County government. It is most important that you deal with the citizens of our County in a pleasant, courteous, and professional manner.

Regular and predictable attendance is an essential element required of all county positions. Excessive absenteeism or tardiness will result in disciplinary action.

## **POLITICAL PARTIES**

Every employee of the County has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a political nature and support the principles or policies of a civic or political organization in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States of America. However, no employee shall:

- Engage in any political activity while on duty or within any period of time during which they are expected to render services for which they receive compensation from the County;
- Be required, as a duty of their office or employment, or as a condition for employment, promotion or tenure of office, to contribute funds for political or partisan purposes;
- Solicit, or act as custodian of, funds for political or partisan purposes while on duty as an employee of the County;
- Coerce or compel contributions for political or partisan purposes from any other employee of the governmental unit;

- Use County funds, supplies, or equipment of the governmental unit for partisan or political purposes; or
- Use their official authority to influence for the purpose of interfering with or affecting the result of an election or nomination for political office.

All constitutional and elected officers are exempt from this entire section, but no such constitutional or elected officers are to use any public funds, goods, supplies, materials, or County employees while on duty for partisan political purposes.

### **HATCH ACT**

Those agencies that are funded by federal monies are subject to the Hatch Act, which prohibits certain political activity by County employees in those agencies.

### **AMERICANS WITH DISABILITIES ACT**

The County will comply with the Americans with Disabilities Act (ADA) which prohibits discrimination on the basis of a disability. The County will make reasonable accommodations upon requests for otherwise qualified disabled applicants and employees to enable them to perform essential job functions except here such accommodations may constitute an unreasonable hardship or jeopardize the health and safety of employees, applicants or the general public.

### **STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY POLICY/AFFIRMATIVE ACTION**

It is the policy of the County to provide equal employment opportunity without regard to race, color, religion, sex, age, disability, or national origin. Discrimination against any person in the recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration because of religious belief, affiliation, race, national origin, ancestry, or other factors is prohibited. Discrimination on the basis of age, sex, or physical disability is prohibited except where age, sex, or ability requirements constitute a bona fide occupational qualification necessary for performance of the essential functions of the job.

In furtherance of this policy Yadkin County prohibits any retaliatory action of any kind taken by any employee of the county against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding, or investigation of employment discrimination.

In order to ensure that equal employment opportunities exist throughout the entire personnel program, Yadkin County shall implement a program of affirmative action to overcome the effects of any past discrimination and to eliminate any artificial barriers that may exist in the personnel program that would not provide equal employment opportunities for all qualified individuals.

The Equal Employment Opportunity/Affirmative Action Program will be monitored continuously and evaluated.

### **IMPLEMENTATION OF EEO POLICY**

In order to effectively implement the Equal Employment Opportunity/Affirmative Action Plan for Yadkin County, the County Commissioners have designated the County Manager with the authority and responsibility of insuring compliance with the policy. The County Manager shall report to the County Commissioners on the progress and effectiveness of the program.

It is the responsibility of the County Manager to insure that the personnel programs fully meet all requirements of the Equal Employment Opportunity Policy and regulations.

The Personnel Officer shall provide advice to the County Commissioners concerning personnel practices and the progress of the plan. Additionally, the Personnel Officer shall be responsible for:

- Recording of efforts showing affirmative actions
- Providing advice to Department Heads and county employees on equal employment
- Continually monitoring the Equal Employment Opportunity/Affirmative Action Plan to determine progress

As the Personnel Officer, he/she shall be responsible for all personnel functions to insure the elimination of any artificial barriers that discriminate against any applicant or employee based on race, color, national origin, religion, sex, age, or physical disability.

### **UNLAWFUL WORKPLACE HARASSMENT**

The County is strongly and actively committed to ensure a work environment for all employees that are free from all forms of unlawful harassment. As such, harassment on the job because of sex, race, religion, age, national origin, or disability will not be tolerated. Harassment may take the form of physical or verbal conduct, which may lead to, among other things, intimidation, aggression, hostility or

unequal treatment. These unwelcome activities create a hostile and abusive work environment and are inconsistent with the County's policy.

Harassment, other than sexual, is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, religion, gender, national origin, age, disability or political affiliation, which has the purpose or effect of creating an intimidating, hostile, or offensive work environment or interferes with an individual's work performance or otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs, negative stereotyping, threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, disability, or political affiliation. Written or graphic material, which denigrates or indicates hostility or aversion toward an individual or group, is prohibited from display on the employer's premises, or circulation in the workplace.

The County will not tolerate sexual harassment of its employees by other employees or outside parties. Sexual harassment affects morale, motivation, and job performance. It is inappropriate, offensive, and illegal and shall be reported. Sexual harassment includes unwelcome verbal behavior such as comments, suggestions, jokes, or derogatory remarks based upon sex; physical behavior such as inappropriate or offensive touching; visual harassment such as posting of sexually suggestive or derogatory pictures, cartoons or drawings; or unwanted sexual advances. Any employee who believes that they have experienced or witnessed sexual harassment or retaliation shall report it immediately to his or her supervisor. If the employee is uncomfortable in discussing the matter with the supervisor, the employee shall report the incident within fifteen (15) days to their Supervisor. Supervisors who receive a sexual harassment complaint shall notify the Department Head or the County Manager.

All complaints will be investigated promptly, impartially and discreetly and, upon completion of the investigation, the appropriate parties will be notified of the findings. Any employee/manager who has been found to have sexually harassed an employee will be subject to appropriate corrective action, up to and including termination. No employee will suffer retaliation for reporting, assisting, testifying, or participating in a proceeding or investigation of an unlawful workplace harassment claim.

It is expected that all County employees will act responsibly to maintain a professional working environment; free of discrimination, harassment, and retaliation allowing each employee to perform to his or her maximum potential. Employees may choose to follow the County grievance policy when presenting workplace harassment claims.

### **Complaint Procedure:**

Any applicant, general county employee, competitive service employee, or former employee of the county who believes that he/she has been sexually harassed by a county employee may file an appeal or grievance.

Any applicant, general county employee, competitive service employee, or former employee alleging sexual harassment by an employee of the County may file a complaint with the Equal Employment Opportunity Commission (EEOC), regardless of whether a separate complaint has been filed with the County or the State Personnel Commission. Complaints alleging sexual harassment must be filed with EEOC within one hundred-eighty (180) days of the occurrence of the alleged conduct.

### **Prohibition against Retaliation and Impeding an Investigation:**

N.C.G.S 126-17 provides that “No State Department, Agency or Local Political Subdivision of North Carolina shall retaliate against an employee for protesting alleged violations of G.S. 126-16”.

A county employee shall be subject to disciplinary action if that employee is determined to have:

- Coerced or threatened with reprisal any person who seeks to file or has filed a complaint or charge alleging sexual harassment; or
- Interfered with or impeded, in any manner, the investigation of a complaint or charge alleging sexual harassment.

### **DISCLOSURE OF CONFIDENTIAL INFORMATION**

Employees of Yadkin County deal with many private citizens, businesses, Federal, state, and local government agencies. Work of a confidential nature must remain so. Employees will sign a confidentiality form. Anyone breaking confidentiality is subject to disciplinary actions.

## **GIFTS AND FAVORS**

As prohibited by Chapter 133-32 of the General Statutes of North Carolina:

No official or employee of the County shall directly or indirectly accept or solicit any personal gift, whether in the form of services, loan, thing or promise from any person where the employee has influence over any decision involving such person.

No official or employee shall directly or indirectly accept or solicit any personal gift, favor or thing that may tend to influence that employee in the discharge of duties.

No official or employee shall grant in the discharge of duties any improper favor, service, or thing of value.

## **NEWS MEDIA**

Yadkin County strives to provide citizens with an accurate account of the activities of County government. To ensure the consistency of any statements to the media, please refer all requests for information to your Department Head or their designee.

## **SOLICITATIONS**

In order to protect employees from unwanted interruptions, it is the policy of Yadkin County that solicitation by outsiders is forbidden, unless approved by the County Manager. Solicitation by co-workers should be done only with prior approval of the Department Head.

Distribution of literature of any kind to employees without the prior approval of the County Manager or the Department Head is not permitted.

This policy does not apply to County-sponsored events.

## **DRUG FREE WORKPLACE POLICY**

The County is committed to provide, within its means, a healthy, safe, and drug free work environment; to provide the best possible services to citizens; to maintain the public's confidence in its employees; and to protect the County from the economic losses that can occur due to substance abuse. To meet these goals, the County policy is to:

- Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;

- Create an environment free from the adverse effects of drug abuse and alcohol misuse;
- Prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances; and
- Encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency; adversely affect their ability to perform their assigned duties.

### **ILLEGALLY USED CONTROLLED SUBSTANCES OR DRUGS**

The use of any illegal drug or controlled substance as identified in federal regulations is prohibited. This includes, but is not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine, as well as any drug not approved for medical uses by the United States Drug Enforcement Agency (USDEA) or United States Federal Drug Administration (USFDA). Illegal use includes use of any illegal drug, misuse of legally prescribed drugs and use of illegally obtained prescription drugs.

### **LEGAL DRUGS**

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates mental functioning, motor skills or judgment may be adversely affected must be reported to the appropriate supervisor/department head and medical advice must be sought by the employee, as appropriate, before performing work related duties. This requirement is essential for employees in positions designated as safety-sensitive.

A legally prescribed drug means an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing County business is prohibited.

### **ALCOHOL**

The use of beverages or other substances containing alcohol is prohibited while engaged in County business. All DOT regulated drivers are subject to alcohol testing for random, reasonable suspicion, post-accident situations, or return-to-duty and follow-up testing is required for drivers returning to work from a voluntary

alcohol or substance abuse rehabilitation program. Other employees may be subject to substance abuse testing based on observations by Supervisors.

## **DRUG TESTING**

### **Pre-employment:**

All applicants for County employment are subject to drug testing prior to a final offer of employment.

### **Employment:**

- **Post Accident** - After any work related accident involving County owned vehicles, equipment, machinery or property (or personal property of an employee authorized for County related work) that requires a doctor's visit for medical attention. A drug test is optional (at the discretion of the Supervisor, HR Office or County Manager) for any minor on the job injury reported for the purpose of establishing a "medical record only filing."
- **Reasonable Suspicion** - When an employee reports to work and is believed to be under the influence of a controlled substance or impaired by the use of prescription/non prescription medication or alcohol.
- **Random Basis** - The County may randomly test employees.

## **TREATMENT and/or RETURN TO WORK**

Employees referred for drug testing are placed on Administrative Leave until test results are confirmed. An employee with a negative test result may return to work immediately.

An employee with a positive test result will be referred for treatment. The employee may not return to work until the recommended treatment plan has been completed and the employee has signed a Return to Work Agreement. Failure to complete the treatment program may result in dismissal.

## **PERSONNEL RECORDS; PRIVACY ACT**

Personnel records are necessary for the proper administration of the personnel system and will be maintained by the County Manager's Office. Personnel records

shall be kept in the Human Resource Office designated by the County Manager. The county shall maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs. It is the responsibility of the County Manager's Office to assure the sanctity and authenticity of every employee's personnel file.

As required by G.S. 153A-98 and 160A-168, any person may have access to public information as defined by this subchapter for the purpose of inspection, examination, and copying during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the county may adopt. Any person denied access to any record should have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

For purposes of this subchapter, an employee's personnel file consists of information gathered by the county with respect to that employee. This would include, but would not be limited to, information relating to an employee's application, selection or non-selection for a vacant position, performance, promotions, demotions, transfers, suspension, and other disciplinary actions, evaluation forms, salary, and termination of employment.

#### **PUBLIC AND CONFIDENTIAL INFORMATION DEFINED**

The following information regarding each county employee is public information:

- (1) Name
- (2) Age
- (3) Date of original employment or appointment to county service
- (4) Current position/title
- (5) Current salary
- (6) Date and amount of most recent change in salary
- (7) Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification
- (8) Office to which employee is currently assigned

All information contained in a county employee's personal file, other than the information listed in division (A) above, will be maintained as confidential in accordance with the requirements of G.S. 160A-168.

The County shall maintain additional files containing information or records involving health or medical information, including leave and attendance authorization. This file is not considered a public record and access to the file is restricted.

The employee or a duly authorized agent may examine all portions of the employee's personnel file, except:

- Letters of reference solicited prior to employment; and
- Information concerning a medical disability, mental or physical, that a prudent physician would not disclose to a patient.
- A licensed physician designated in writing by an employee may examine the employee's medical record.
- A county employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- An employee may sign a written notarized statement authorizing release of other specified information to prospective employers, educational institutions, or other specified persons.
- The County Manager may inform any person of the reasons for: employment or non-employment, promotion, demotion, suspension, or other disciplinary action, reinstatement, transfer, or termination of a county employee and the reasons for that personnel action. Before releasing the information, the Manager shall determine in writing that the release is essential to maintaining public confidence in the administration of county services or to maintaining the level of quality of county services. A record shall be maintained in the personnel file as part of the public record.

### **REQUEST AND REVIEW PROCEDURE**

All requests for personnel records information must be made in writing to the County Manager's office. An employee may sign a written letter of consent authorizing release of confidential information to prospective employers, educational institutions or other specified persons.

If a request is determined by the County Manager's office to be for public information, the County Manager's Office shall provide such public information as quickly as possible.

## **REMEDIES AND OBJECTIONS**

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

- A written request containing the employee's name and identifying the objectionable material with any supporting documentation shall be submitted to the County Manager's Office.
- The County Manager and the appropriate supervisory personnel shall review the nature of the complaint and within five working days make a determination regarding the disposition of the complaint.
- If the complaint is found to be valid the material shall either be corrected and returned to the file or removed from the file and destroyed.
- If the complaint is found to be invalid the material shall remain in the personnel file and a copy of the employee's written objection shall be placed in the personnel file.

## **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.

## **YADKIN COUNTY DRESS CODE**

It is the policy of the County that employee dress and grooming shall be appropriate to the nature of each individual's work, while emphasizing safety, comfort, productivity, common decency and professionalism.

The dress code for all county employees will be business casual. For men, ties and sport coats are optional. Good choices include slacks, khakis, shirts with collars and non-athletic shoes. For women, all of the same plus dresses, skirts, non-collared sweaters or blouses and dress sandals are all good options. This does not include jeans, t-shirts, tank tops, shorts and flip-flops.

Employees who are required to wear uniforms are exempt from the above. Those employees who are considered field agents (building/environmental health inspectors) may wear clothing appropriate to their jobs. (jeans and work boots)

Any deviation from the policy for special events must be cleared by the County Manager prior to the event. The County Manager will have final authority in any dress code disputes.

### **ADVERSE WEATHER CONDITIONS**

The public's need for the availability of governmental services dictates that county offices should attempt to remain open during all normally scheduled hours. While severe weather may impact upon the ability to fully staff each function, every function should attempt to provide at least a base level of response.

County offices will be considered open during all weather conditions, unless there is a specific announcement and notification that the offices are closed. If an employee cannot get to work or the offices are closed, the employee will be required to use comp time, vacation time or be in a leave without pay status.

Available compensatory time and/or appropriate leave will be taken in order to leave work early, to delay arrival at work or in the case where an employee does not report to the job because of inclement weather.

### **USE OF COUNTY VEHICLE**

At various times an employee's job may require travel. When the use of a vehicle is required, county policy and the availability of a County vehicle will govern whether an employee drives a personal vehicle or a county vehicle. When using a county vehicle all mileage must be recorded on a log sheet which will be provided by the department.

An employee will receive mileage reimbursement at the current effective rate if use of a personal vehicle is authorized.

Employees must have a valid N.C. driver's license to drive a County vehicle. Employees must let the County know of any changes in their driving record, including when they have temporarily lost their driving privileges. Driving a County vehicle without a valid driver's license will be considered misconduct and the employee will be recommended for dismissal. It is also the responsibility of the employee to immediately report any accidents.

No County vehicles shall be used for commuting to and from work except for emergency personnel who are on call twenty-four (24) hours a day. There are times when non-emergency personnel may use a County vehicle for purposes of

commuting to and from work. When the need arises, the Department Head must complete the appropriate paperwork approving special use of the vehicle. Any employee driving a County vehicle shall log the date; span of time the vehicle was in use, as well as the mileage from the start of the day to the end of the day. An employee whose job entails authorized use of a County vehicle for commuting to and from work should be aware that this usage is a taxable fringe benefit. More detailed information is available from the Finance Department.

## **INFORMATION SYSTEMS POLICY**

### **SCOPE OF POLICY**

The policy set forth herein extends to all County departments and County personnel, and governs all hardware, software, networking, and other systems that support or are connected to the information technology systems managed by the Information Services Department (IS).

Regardless of funding source, all hardware, software, networking, and support systems are designated to be under the management domain and control of the IS Department.

All connections to County hardware or to the County network must be approved by the IS Director and will subject the connecting party to the policy and standard set forth by the IS Department.

All computer users are to familiarize themselves and conform to this policy at all times,

This policy may be amended and re-distributed in the future as appropriate.

## **STANDARDS**

The IS Department will establish and set forth standards for all hardware, software, networking, and other support systems associated with information technology. Departments procuring equipment, software, or other services must consult with and insure that these standards are met.

The IS Department will neither support nor maintain equipment, software, or the network connectivity of equipment or systems procured by other departments that fail to meet established standards.

No modification to hardware or software on desktop computing units is to be permitted without the expressed knowledge and consent of the IS Department.

Users must consult with the IS Department prior to changing or modifying any file configurations.

Software and other applications are not to be loaded without the expressed knowledge and consent of the IS Department. Examples are, but not limited to, games purchased by employee, screen saver programs such as After Dark, MS Office, MS Publisher, etc.

All user procured software must be lawfully acquired and used in a manner consistent with governing copyright law. The use of software in an unlawful manner will subject the user to disciplinary action and possible criminal penalties.

The County's information technology is considered a resource, available to County employees to conduct and facilitate their work. It is to be used at all times in a lawful and ethical manner. Unethical uses include, but are not limited to, the following:

- unauthorized and time consuming recreational game playing;
- using computer accounts for work that is not authorized for that account;
- sending chain letters or unauthorized mass mailings;
- using the system for personal profit or illegal purposes;
- personal advertisements or solicitation.

## **E-MAIL**

Where technically feasible, E-mail will be provided to computer users. E-mail is provided to facilitate the general communications and work of County employees.

E-mail is considered an official form of communication between departments and employees. Computer users are required to make a due and diligent effort to check for the receipt of E-mail messages each working day.

E-mail messages and files are the property of the County. They are subject to routine inspection by IS Department staff and will be provided to an employee's supervisor or management upon a justifiable request. Employees are not provided nor afforded any expectation of privacy with respect to E-mail messages and files.

## **INTERNET USE AND SERVICE**

Where technically feasible, Internet service will be provided to computer users. Internet service is provided as a resource to facilitate the general communications and work of County employees.

Access and use of the Internet are permitted when used in a manner consistent with the Online Systems User Agreement. The limited personal use of the Internet by County employees is permitted during off-duty times. The inappropriate use of the Internet at any time will subject the employee to disciplinary action. Inappropriate uses include but are not limited to; sending chain email, use for personal profit or illegal purposes, playing games, streaming video/music, viewing or downloading obscene or pornographic material.

Any and all activity by an employee on the Internet can be logged and recorded by the IS Department.

## **SYSTEM SECURITY**

It is the responsibility of all users to maintain and protect the security of the County's Information Systems.

Users are to have valid, authorized accounts and may only use those computer resources, which are specifically authorized. Users may only use their account in accordance with its authorized purpose. Users are responsible for safeguarding their personal account. Users are not to let another person use their account unless authorized by the IS Department for a specific purpose.

Users may not change, copy, delete, read, or otherwise access files or software without permission of the custodian of the files or the IS Department. Users may not bypass accounting or security mechanisms to circumvent data protection schemes. Users are not permitted to modify any software without the permission of the IS Department.

Every user will endeavor to protect user IDs, passwords, and system access information. Employees are not permitted to convey this information to anyone or group inside or outside of the County without the expressed approval of the IS Department.

Users are only permitted to access systems and files established for their use and approved by the IS Department. Attempts to access other user files, the server, or the network operating systems not approved by the IS Department will subject the user to disciplinary action.

All users and employees are to report immediately to the IS Department any observed or suspected violation or risk to system security.

In connection with inquiries into possible abuses, the County reserves the right to examine files, programs, passwords, accounting information, printouts, or other computing material without notice.

## **VIRUS PROTECTION**

Every computer user is to remain vigilant and alert to the possible transmittal and infection of a computer virus.

Appropriate anti-viral software will be made available by the IS Department and loaded on every PC or workstation connected to the network. Stand alone units capable of remote access to the network are to be loaded with the same antiviral software application.

Upon loading any software or data file received from any source and prior to executing such software or file, it is mandatory that the user invoke the anti-viral application and scan the software or file prior to executing the same. This includes data transfers derived from external drives, Internet downloads, modem transfers, and tape backup units.

Upon detecting any virus, users are to cease activity immediately and to report same to the IS Department. IS Department personnel will assess the situation and will either lead or direct the effort to clear the virus.

## **NETWORK CONNECTIVITY**

Direct connection to the local area network (LAN) and remote access to the LAN will be provided as determined appropriate and deemed economically feasible.

## **NETWORK FILE SERVICE**

As deemed appropriate, network drives are created for computer users to provide for the security, integrity, accessibility, and sharing of one's files and data. It is recommended that "mission critical" files be stored to a network drive.

The following Files and Programs are prohibited from being stored on any network drive:

- Operating System Files and Software Applications:  
Copies of DOS, Windows program files, Microsoft Office, Adobe Acrobat, and other software products are examples of applications that may not be stored on the network drives.

- **Graphical and Sound Files:**  
All gif, tif, wav, bmp, mpeg, jpg, mid, clipart, icons, and other graphical, picture and sound files should be kept on local drives (either C: or D:). Exceptions would be graphics used by the County or departments within the County such as the "County Seal."
- **Screen Savers:**  
Screen savers are not to be kept on network drives. Some screen savers are known to disrupt system performance and should not be installed on any personal computer. e.g., "After Dark."
- **Executable Files**  
DOS, Windows, and NT system files and executables are not to be stored on network drives. Examples of these are those that end in the following extensions: exe, dll, ini, and hlp.
- **Temporary Files**  
Temporary files (with the extension bak, sav, or tmp) will be deleted by IS periodically. These are typically system generated files. Please ensure that you do not name your personal files with any of the following extensions (bak, sav, tmp).
- **Games**  
Games are not to be saved on network drives.

## **INFORMATION SYSTEMS BULLETIN**

When appropriate, the IS Department will issue Information Systems Bulletins. Information Systems Bulletins will contain information pertinent to the operation of hardware, software, server, or network services. Department heads are to insure that all MS Outlook users have access to and read on a timely basis any published bulletin.

## **EMPLOYEES OF THE SHERIFF AND REGISTER OF DEEDS**

The Sheriff of Yadkin County and the Register of Deeds of Yadkin County respectively consent to the employees of the Sheriff of Yadkin County and Register of Deeds of Yadkin County signing and being subject to and abiding by the terms and conditions of the Yadkin County Information Systems Policy as a condition of initial and continued employment with the Sheriff of Yadkin County and Register of Deeds of Yadkin County; however, notwithstanding, the Sheriff of Yadkin County and Register of Deeds of Yadkin County shall retain the exclusive right to hire,

discharge and supervise the respective employees of their offices, as described in North Carolina General Statutes '153A-103.

## **TRAVEL POLICY**

### **PURPOSE OF REGULATIONS**

The purpose of this travel policy is to establish and codify some uniform and lucid regulations governing the authorization for and reimbursement of expenditures for business related travel.

County employees may have their actual travel expense reimbursed by the county, subject to the limitations contained in these regulations. No duplicate reimbursement shall be made for that portion of an employee's expenses paid or reimbursed from a non-county source.

All travel is contingent upon the availability of funds in the proper budget. Travel, which exceeds the budgeted amount so allotted, must be approved by the County Manager and requires a budget amendment.

### **COUNTY POLICIES GOVERNING TRAVEL AND EXPENSE ALLOWANCES**

- Travel allowances for county employees:

Expenses for travel on official business by employees of county departments and agencies which operate from funds deposited with the county shall be reimbursed at the following rates as set forth by the Yadkin County Board of Commissioners.

- For transportation by privately owned automobile, the then established rate per mile of travel plus the actual cost of tolls and parking fees.
- For transportation by airline, bus, railroad, or other conveyance, actual tourist class fare. Employee must show evidence of securing least expensive fare available.
- For employee subsistence:

**24-Hour Period:** The actual amount expended for three (3) meals, and reasonable gratuities, not to exceed the established daily maximum. [\$29.50 {08-25-03}].

**Less than a 24-Hour Period:** The actual amount expended for two (2) meals, if applicable-breakfast and dinner. Lunch expenses will not be reimbursed.

The following is a table of rates for meal allowances:

Breakfast	\$6.50
Lunch (24 hrs. only)	\$8.50
Dinner	<u>\$14.50</u>
	\$29.50

**Subsistence:** Expense reimbursements for travel are approved for:

- Employees attending special or annual meetings held at a central location, especially where room accommodations are reserved for the meetings or sessions, subject to the approval of the County Manager;
- For extradition of prisoners out-of-state. Subsistence applies to meals, the reasonableness policy as applied to housing.

### **Authorization Procedure**

- All overnight travel by county employees on county business must be authorized by the department head or his/her designee.

### **Advances**

- At the discretion of the department head, approved by County Manager, an advance of funds which does not exceed estimated travel expense may be issued an employee.
- Advances must be requested by voucher and itemized at least ten (10) days in advance to the County Manager and Finance Office. Emergencies will be given consideration.
- 

### **Subsistence**

- A county employee is entitled to reimbursement of the actual amount expended for room, meals, and reasonable gratuities, not to exceed the daily established maximum.

- Registration fee - hotel/conference/educational registration fees shall be paid by the agency, in emergencies the employee may pay and may be reimbursed. Employees may not claim duplicate reimbursement for meals included in registration fees.
- No subsistence is reimbursable if it is incurred within thirty miles of the duty station, unless the department head has specifically authorized it in advance.
- If any daily total exceeds the authorized limit, the difference may not be applied to another day.
- A receipt for all charges must be attached to the employee's expense account for all charges other than meals.
- Reasonable tips are allowed for meals and handling baggage at terminals and hotels.
- The costs of alcohol beverages, laundry, "set-ups", between meal snacks, and room services are not reimbursable.

### **Registration Fees**

- Registration fees shall be paid by the agency; in an emergency the employee may pay and be reimbursed.
- Costs of group meals may be included in advance registration fees if itemized on a voucher.
- A copy of fee schedules listing the costs should accompany requests.

### **Transportation**

- Authorization of the mode of travel is to be made by the department head, subject to these regulations. All county employees should consider the most economical mode of travel. Car pooling is to be used when possible.
- When travel by car is determined to be feasible, a county car, when available, should be used instead of a private car.
- Wives, husbands and children may accompany county employees in

county cars, if ample space is available and all travel is for county business. This requires preapproval.

- Non-county employees may accompany county employees in county cars when they have a business interest in the travel. This requires preapproval.
- When used for official travel, parking, storage fees and tolls are legitimate charges for county-owned and private vehicles.
- Repair reimbursements shall be made for county-owned vehicles only.
- Reimbursements shall not be made for commuting between an employee's home and duty station.
- Reimbursement shall be made to county employees at the then established rate per mile for use of their private cars on official county business.
- Tickets for commercial air travel may be purchased for air coach travel and shall be paid by the agency, in an emergency the employee may pay. A receipt is required for reimbursement when paid for by the employee.
- The actual cost for rail and bus service for county business is reimbursable.
- The use of taxis and shuttles may be reimbursed when required for county business. A receipt is required for reimbursement.
- Rental car charges at the least expensive rate are reimbursable when required for inter-city travel.
- The least expensive mode of transportation will be used as the method of reimbursement when the employee voluntarily chooses an alternate method.
- The Board of Commissioners and other Boards and Commissions, the County Manager, Clerk to the Board and others as approved by the Board of Commissioners will receive reimbursement for all travel and related expenses.
- This list is not intended to be all-inclusive, if the employee has questions, they should be addressed to their supervisor.

## **TRAVEL POLICY FOR COUNTY COMMISSIONERS**

Budget for related expenses. Expenses for local travel and expenses associated with attendance at meetings, workshops, conferences, and seminars. Costs must be justified on the basis of the cost/benefit of the travel to Yadkin County.

Yadkin County funding of out-of-town travel to those training sessions, conferences, conventions, and other authorized meetings which will promote the professional development of the officials, and therefore benefit Yadkin County.

Room reimbursement should be limited to the cost of a "single" room at a prevailing government rate. Receipts are mandatory.

Family accompanies officials- If a family member accompanies a County official on a business trip, none of the family's expense will be paid. The hotel/motel bill will be reimbursed at a single rate only.

Accommodations/lodging will be paid for actual expenses at a single occupancy rate to be substantiated by paid bills. The actual receipt/bill will be filed with The Finance Office. The difference in the rate for double occupancy or an upgrade can be paid by the official.

Mileage will be paid at the rate established by the Board of Commissioners to those officials required to use their privately own vehicle in conducting County business- mileage is to be from actual odometer readings. If an odometer reading is not available, use figures from the mileage chart shown from the latest Department of Transportation map. Any additional "vicinity" miles should be shown as a separate figure on a Claim Expenses form.

All travel must be by a usually traveled route. When a person by an indirect route for their own convenience, any extra costs will be borne by the Traveler; and reimbursement for expenses will be based only on the charges that would be incurred by a usually traveled route.

Other expenditures- Charges for personal goods and services, entertainment, alcohol and travel not related to county business would be considered unacceptable and would not be reimbursed to the official.

These policies apply to All County Boards. All board members and the County Manager are subject to these guidelines, unless exempted by County Commissioners.

If traveling out of state is necessary, then two Commissioners and the County Manager will be allowed to go.<sup>1</sup>

## FAIR LABOR STANDARDS ACT

### **Basic Requirements**

Covered non-exempt workers are entitled to the minimum wage as established by the Federal Government. Overtime compensation is at a rate of one and one-half times their regular time after 40 hours of work in a workweek.

Wages required by FLSA are due on the regular payday for the pay period covered. Deductions from wages for such items as cash or merchandise shortages, employer-required uniforms, and tools of the trade, are not legal to the extent that they reduce the wages of employees below the minimum rate required by the FLSA or reduce the overtime pay due under the FLSA.

The FLSA contains some exemptions from these basic standards.

While the FLSA does set basic minimum wage and overtime pay standards and regulates the employment of minors, there are a number of employment practices which the FLSA does not regulate.

For example, the FLSA does not require:

- vacation, holiday, severance, or sick pay;
- payment of promised wages over the minimum wage,
- meal or rest periods, holidays off, or vacations;
- records showing the employees' daily starting and stop time,
- premium pay for weekend or holiday work;
- pay raises or fringe benefits; and
- a discharge notice, reason for discharge, or immediate payment of final wages to terminated employees.

The FLSA does not provide wage payment or collection procedures for an employee's usual or promised wages or commissions in excess of those required by the FLSA. However, some States do have laws under which such claims (sometimes including fringe benefits) may be filed. Also, the FLSA does not limit the

number of hours in a day or days in a week an employee may be required or scheduled to work, including overtime hours, if the employee is at least 16 years old.

### **Regular Rate**

The regular rate is the equivalent hourly rate at which an employee is actually paid for normal, non-overtime hours. The regular rate includes base pay, merit pay, career incentives pay, longevity pay and all other pay actually received. The regular rate does not include gifts, pay for annual leave or sick leave, certain discretionary bonuses, employer contributions to fringe benefits or, as stipulated in the employment contract, extra compensation for working overtime, for working Saturdays, Sundays and holidays, and for working hours outside the normal workweek or workday if at least one and one-half times the normal rate is paid.

### **Employee Overtime**

All non-exempt employees (special provisions apply for employees in law enforcement) must receive at least one and half times his/her regular compensation for all hours worked over 40 in a workweek. Any overtime incurred by an employee must be approved through the head of the department in which the overtime takes place.

FLSA requires that the minimum wage for any overtime due an employee be determined on the basis of the hours worked in each workweek and that the compensation earned by an employee in a particular workweek be paid on the regular payday for the pay period in which the workweek ends. An employer cannot average hours of work by an employee over two or more workweeks.

### **Compensatory Time**

It is the policy of Yadkin County that employees will be given compensatory time off in lieu of cash overtime payments for any hours of overtime worked by the employees. For each hour of overtime worked, 1½ hours of compensatory time off is awarded. When compensatory time off is taken it is given at the employee's regular rate of pay.

### **Non-Exempt Employees:**

As defined by the FLSA, compensatory time will be given after 40 hours of work (special provisions for law enforcement) The 40 hours does not include any hours recorded during the workweek as sick, vacation, holiday or compensatory time. At the beginning of each quarter (July 1, October 1, January 1, and April 1), non-exempt employees may have no more than a total of 10 hours of compensatory time. Flex

scheduling should be used to help control the accumulation of compensatory time. Emergency situations must be approved by the Department Head and County Manager. Compensatory time shall be taken in fifteen (15) minute increments.

### **YADKIN COUNTY COMPENSATORY TIME**

Yadkin County states that the normal workweek for employees, other than those covered by the 7(K) exemption of the FLSA, is 40 hours per week. The workweek starts at 5:01 p.m. Friday and ends 5:00 p.m. Friday. From time to time it will be necessary for employees to work additional hours beyond the normal work hours. Yadkin County shall comply with the FLSA by providing comp time to non-exempt employees in accordance with the FLSA regulations.

All overtime work must be properly documented and receive prior approval of the Department Head before it is worked. The county shall not unreasonably prevent the employee from use of the comp time. Any employee that works overtime without prior approval will be subject to disciplinary action. Pay for comp time shall not be allowed except by Board action.

When non-exempt employee requests leave time, that employee shall use comp time for the requested leave before using vacation, sick leave or leave without pay.

### **EXEMPT EMPLOYEES**

Because of the professional, supervisory and managerial nature of “Exempt Employees”, the FLSA does not require that overtime be given to employees performing jobs classified as exempt.

### **FLEX TIME**

While most county employees work a 40-hour workweek with a normal schedule, the activities of some departments require alternative schedules to meet their work needs. In those departments, the Supervisor, Department Head, or County Manager may authorize a deviation of the normal schedule.

### **OUTSIDE EMPLOYMENT**

The work of the County will take precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported to the employee’s supervisor, who in turn will report potentially conflicting employment to the County Manager. The County Manager will review such employment for possible conflict of interest. Conflicting outside employment will be grounds for disciplinary action up to and including dismissal.

An employee may not be engaging in any work for a contractor who is performing work for the county.

### **PROBATIONARY PERIOD OF EMPLOYMENT**

Upon initial appointment to a regular position, an employee shall serve a probationary period of six (6) months, including law enforcement officers. An employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period for failure in performance of duties or failure in personal conduct.

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

- that the employee's supervisor has discussed the employee's progress, accomplishments, strengths, and weaknesses with the employee;
- whether or not the employee is performing satisfactory work;
- whether or not the probationary period should be extended; and,
- whether or not the employee should be retained in the present position, or should be released, transferred, or demoted.

At the end of the initial six-month probationary period, upon approval from the County Manager, the probationary period may be extended for another six (6) months. No employee shall remain on probation for more than (12) months.

### **ATTENDANCE, ABSENTEEISM, TARDINESS**

The quality of service provided to the public is a reflection of the consistent and dependable performance of County employees. Unscheduled absence or tardiness places a burden on co-workers and hinders effective County operations. In situations where an employee must be tardy or absent, they must notify their immediate supervisor (not a fellow employee) within the 30-minute period following their normal reporting time. In the event that they are unable to make contact with their immediate supervisor, they may notify the individual designated by the department head to let them know of their expected tardiness or absence in case the department head is not present.

Excessive tardiness and absenteeism may result in disciplinary actions up to and including dismissal.

## EMPLOYMENT OF RELATIVES

### Limitation of Employment of Relatives

- Members of an immediate family may not be employed within the same department, even if such employment would not result in an employee directly or indirectly supervising a member of the immediate family, or in any way have an influence over the family member's rate of pay.
- This policy shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to the adoption of this policy.
- Immediate family is defined for the purpose of this section as spouse, parent, sibling, child, grandparent, grandchild, step-parent, step-child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, and sister-in-law.
- The Board of Commissioners shall approve the appointment by the Sheriff or the Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin as required by Chapter 153A-103 of the North Carolina General Statutes.

## SEPARATION FROM EMPLOYMENT

Separation occurs when an employee leaves the payroll for reasons indicated below:

- **Resignation or Retirement.** An employee may terminate his/her services with the County by submitting a written resignation or request for retirement to the department head (or in case of department heads to the County Manager). It is expected that an employee will give at least two weeks (four weeks for department heads) notice prior to his/her last day of work.
- **Dismissal.** Dismissal is involuntary separation for cause.
- **Reduction-in-Force.** For reasons of curtailment of work, reorganization, or lack of funds the appointing authority may separate employees. Retention of employees in classes affected shall be based on systematic consideration of type of appointment, length of service, relative efficiency and needs of the county. No regular

employee shall be separated while there are emergency, intermittent, temporary, probationary, or trainee employees in their first six months of the trainee progression serving in the same or related class, unless the regular employee is not willing to transfer to the position held by the non-regular employee, or the regular employee does not have the knowledge and skills required to perform the work of the alternate position within a reasonable period of orientation time and training given any new employee. Every effort will be made to give employees laid off because of reduction in force at least two (2) weeks notice.

- **Voluntary Resignation without Notice.** An employee voluntarily terminates employment by failing to report to work without giving written or verbal notice to the department head. Such failure shall be deemed to be a voluntary resignation from employment without notice when the employee is absent without approved leave for a period of at least three (3) consecutive, scheduled workdays. Termination 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 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 employing agency.

Such terminations as described above are voluntary resignations from employment and create no right of grievance or appeal.

- **Separation Due to Unavailability When Leave is Exhausted.** An employee may be separated on the basis of unavailability when the employee becomes or remains unavailable for work after all applicable leave has been exhausted and department management does not grant a leave without pay for reasons deemed sufficient by the department. Such reasons include but are not limited to, lack of suitable temporary assistance, criticality of the position, budgetary constraints, etc. Such a separation is an involuntary separation, and not a disciplinary dismissal, and may be grieved or appealed.
- **Disability.** An employee may be separated because of disability when the employee cannot perform a significant part(s) of the essential functions of the job because of physical or mental impairment. Action may be initiated by the employee or the County, and should be supported by medical evidence certified by a licensed physician of its choice. Before an employee is separated for disability,

a reasonable effort shall be made to accommodate the employee in his or her current position and/or locate alternate positions within the County's service for which the employee may be suited.

- **Death.** The date of death shall be recorded as the employment separation date for the deceased employee. All compensation due in accordance with this manual will be paid to the estate of the deceased employee. This includes earned but unpaid salary and payment for accumulated annual leave up to the designated maximum.

## **REINSTATEMENT**

An employee who resigns while in good standing or who is separated because of reduction in force may be reinstated within one (1) year of date of separation, with the approval of the department head and the appointing authority. An employee, who enters extended active duty with the Armed Forces of the United States, the Public Health Service or with a Reserve component of the Armed Forces, will be granted reinstatement rights commensurate with Chapter 43 of Public Law 93-508. An employee, who is reinstated, within one year, shall be credited with previous service and previously accrued sick leave and will receive all benefits provided in accordance with this policy and state law. The salary paid a reinstated employee shall be as close as reasonably possible, given the circumstances of each employee's case, to the salary step previously attained by the employee in the salary range for the previous class of work, plus any across-the-board pay increases.

## **TERMINATION OF EMPLOYMENT**

An employee may terminate his/her services with the County by submitting a written resignation or request for retirement to the department head (or in case of department heads to the County Manager). It is expected that an employee will give at least two weeks (four weeks for department heads) notice prior to his/her last day of work.

An employee's termination date will be the same as the employee's last day worked for all cases of termination except retirement. The employee may not use accrued leave to extend the termination date beyond the last day worked. The final paycheck will include payment for accrued annual leave. Terminating employees should turn in all County property to their supervisor on their last day of work, including keys and identification badge.

It is important that all terminating employees have an exit interview to discuss the status of their insurance benefits and other pertinent matters.

## **EXIT INTERVIEW**

Upon termination of employment with Yadkin County by resignation, retirement, reduction in force or dismissal, the employee should schedule an exit interview with the Human Resources Department. The Department Head shall notify the Human Resource Department as quickly as possible when an employee gives notice of termination. If the Human Resources Department has not contacted the employee by their next to the last day of employment, the employee should contact the Human Resources Department to arrange an exit interview. The purpose of the exit interview is to discuss relevant matters of concern to a terminated employee. Such matters include:

- Reason for termination
- Status of employee benefits
- Refund of retirement contributions
- Concerns with the County
- Forwarding address

## **RECRUITMENT**

When positions are to be filled within the county, Department Heads shall notify the Human Resources Department concerning the number and classification of positions which are to be filled. The County Manager and/or Department Heads shall publicize these opportunities for employment including applicable salary ranges and employment qualifications. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments. The Human Resources Department shall also make available to the Department Heads for consideration, current applications on file with the county. Individuals shall be recruited from a geographic area as wide as is necessary to insure that well qualified applicants are obtained for county service.

It is the policy of Yadkin County to seek qualified applicants for all job categories regardless of race, color, national origin, sex, religion, age or physical disability. Yadkin County supports the Equal Employment Opportunity/Affirmative Action Program. Efforts will be continued to attract qualified minorities.

As job announcements are distributed, posted and advertised, the phrase "Equal Opportunity Employer" shall be stated. These announcements shall describe the position in detail, give the minimum qualifications and specify the salary range. All minimum qualifications should be examined to determine if they are over-inflated.

The Personnel Officer shall establish and maintain the Applicant Reserve File. The Applicant Reserve File will consist of a file containing qualified applicants by job categories (i.e., those job categories specified by the Equal Employment

Opportunity Commission such as officials/administrators, professionals, technicians, protective service workers, paraprofessionals, office/clerical, skilled craft workers, and service/maintenance).

It shall be the responsibility of the Personnel Officer to advise all persons involved in the recruitment and selection process on non-subjective interviewing techniques based on job related standards. These individuals shall be made aware of the Equal Employment Opportunity/Affirmative Action Plan.

In order to insure that a group of applicants is representative of the available work force, the Personnel Officer shall continuously monitor the applicants by race and sex.

### **APPLICATION RESERVE FILE**

Upon applying, each applicant shall be informed of the availability of current job openings. Applications shall be kept in a reserve file for a period of two (2) years, in accordance with Equal Employment Opportunity Commission guidelines, when a position is advertised. General applications for unspecified positions shall be kept only six (6) months.

To the extent that is practical, reference to these files shall be made periodically in connection with the county's employment requirements to insure that equal consideration is given to all applicants.

### **QUALIFICATION STANDARDS**

- Employees shall meet the employment standards established by the position classification plan and such other reasonable minimum standards of character, aptitude, ability to meet the public and physical condition as may be established by the County Manager with the advice and recommendations of the Department Heads.
- Qualifications shall be reviewed periodically to assure that requirements are fair and conform to the actual job performance requirements.
- The county may employ an applicant in a trainee capacity who does not meet all minimum qualifications for a particular job if the deficiencies can be eliminated through orientation and on-the-job training.

### **SELECTION**

Department Heads shall make such investigations and conduct such examinations as deemed appropriate to assess fairly the aptitude, education and experience, knowledge and skills, character, physical fitness and other qualifications required for

positions in the service of the county. All selection devices administered by the county or by persons or agencies for the county shall be valid measures of job performance.

## **APPOINTMENTS**

It is the county's policy to create career opportunities for its employees when possible. Therefore, when a current employee applying for a vacant position possesses the best qualifications of all applicants, that applicant shall be appointed to that position.

The Human Resources Department shall post any vacancies not filled internally on the designated vacancy board, as well as advertise through the Employment Security Commission (ESC).

By the authority of Chapter 153A-103 of the North Carolina General Statutes, the Board of Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude.

## **TRAINING**

It has continually been the policy of Yadkin County to insure that all employees are afforded full opportunity and encouraged to participate in educational and training programs. Each department head and supervisor has received additional in-service training.

The county shall make all employees aware of the educational leave policy already established and other training opportunities available for upward mobility as they occur.

All Department Heads will identify all employees that, with additional training/education could develop skills to improve current performance to qualify for higher positions or to fill potential vacancies. If the County pays for employee training/education there will be a signed contract between the employee, Department Head, and County Manager detailing County expectations.

## **TRAINING TIME**

**Required** attendance at training sessions, workshops and other meetings, whether before, during or after the employee's regular work period, is work time. **Voluntary** attendance at training sessions, workshops and other meetings is not work time.

Training time is voluntary if the following conditions are met:

- attendance is outside the employee's regular working hours,
- attendance is in fact voluntary,
- the course, lecture or event is not directly related to the employee's job, and
- the employee does not perform any productive work during such attendance.

## **PROMOTION**

Candidates for promotion shall be chosen on the basis of their qualifications and their work records - without regard to age, sex, race, color, creed, religion, political affiliation, national origin, or physical handicap. Performance and work records for all personnel meeting minimum qualifications for the position shall be carefully examined when openings for positions in higher classifications occur.

Vacancies in positions shall be filled as far as practicable by the promotion of employees in the service of the county. Whenever there is a vacancy in any department, the following steps shall be followed:

Let the Human Resources Department know, by the form that will be provided, the following information:

- Who has left the position
- Dates that the department will be taking applications
- Length of time applications will be taken

After the Human Resources Department has received a status report from the supervisor/department head, a job announcement will be placed in the departmental boxes. After job announcements have been made, open positions will be advertised in house for five days.

The Human Resources Department shall post any vacancies not filled internally on the designated vacancy board, as well as advertise through the Employment Security Commission (ESC).

If a current county employee is chosen for promotion, the supervisor shall forward the employee's name to the County Manager with recommendations for classification and salary and reasons for selecting the employee over other applicants. After considering the supervisor's comments, the County Manager may

make the appointment and determine the classification and starting salary.

In the Sheriff's Department, Register of Deeds Office, Health Department, Cooperative Extension and the Department of Social Services, the respective department head will forward the employee's name to the County Manager with recommendations for classification and salary.

### **TRANSFER**

If a vacancy occurs and an employee in another department is eligible for a transfer and is selected, the department head wishing to hire the employee shall request the transfer which shall be subject to the approval of the County Manager. Any employee transferred without his/her having requested it may appeal the action in accordance with the grievance procedure.

Any employee who has successfully completed a probationary period may be transferred to the same or similar class in a different department without serving another probationary period.

### **HOURS WORKED**

Hours worked includes any time an employee is required to be on duty, on an employer's premises, at a designated workplace for the employer, and all times where the employee is suffered or permitted to work for the employer. Hours worked also include any work done on or away from the working premise, if the employer has reason to believe or knows that work is being done. Furthermore, no employer may unjustly benefit from work performed without his/her knowledge.

### **HOLIDAY, ANNUAL LEAVE AND SICK LEAVE**

Holidays, annual leave and sick leave are not counted as hours worked for the purpose of computing overtime, even though they are paid hours.

### **GRIEVANCE TIME**

The time an employee spends during his/her regular work period adjusting a grievance under the County's Grievance Procedure, Discriminatory and Adverse Action Appeal Policy is work time. Time spent outside the employee's regular work period is work time if the employee's attendance is required by the agency or local unit.

### **ON-CALL**

The time an employee spends "waiting to be engaged," where an employee is free

to pursue his/her own activities with the understanding that work will be left where he/she can be reached, is not considered to be hours worked. When an employee is called out on a job assignment, only the time actually spent on the assignment is counted as hours worked.

In cases where calls are so frequent or the waiting conditions so restrictive that the employee is not really free to use the intervening periods effectively for his/her own purposes, then the employee is considered to be “engaged to wait” and the hours spent as such are counted as hours worked.

An employee who is on call and required to remain at home and who is also uninterrupted for long periods of time will determine with his/her employer a reasonable number of hours worked. The number determined should reflect both the time spent in answering calls and the restriction on the employee’s freedom to engage in personal activities resulting from the calls.

### **MEALS AND REST TIME**

A bona fide meal period is not counted as hours worked or as time paid. Such a period consists of 60 minutes during which the employee is completely relieved his/her duties. When meal periods are frequently interrupted, the employee is not considered to be relieved of all duties, and the meal period is counted as hours worked. Employees are required to receive and take a lunch hour.

Rest periods or breaks of short duration, from 5 to 20 minutes, must be counted as hours worked.

### **TRAVEL TIME**

Whether travel time is considered as hours worked depends on the circumstances:

- **Home to Work**

An employee who travels from home before the regular workday and returns home at the end of the workday is engaged in ordinary home to work travel which is a normal incident of employment. This is true whether he/she works at a fixed location or at different job sites. Normal travel from home to work is not work time.

- **Home to Work on Special One-Day Assignments in Another City**

When an employee who regularly works at a fixed location in one city is given a special one-day assignment in another city, such travel cannot be regarded as home-to-work travel. It is performed for the County’s benefit and at the County’s request to meet the needs of a particular assignment. All the time

involved, however, does not have to be counted as work time. Since, except for the special assignment, the employee would have had to report to his/her regular job, the usual time required to travel to and from work may be deducted as well as the usual meal time, when computing the number of hours worked in that work day. Further, when the employee's special one-day assignment extends above and beyond the normal working hours; those hours are counted as hours worked. This is true whether the employee drives himself/herself or is a passenger in the travel.

- **Travel that is all in the Day's Work**

Time spent by an employee in travel as part of his/her principal activity, such as travel from job site to job site during the workday, must be counted as hours worked. When an employee is required to report at the employer's premises, or at a meeting place, to receive instructions or to perform other work there, the travel time from this designated place to the work place is part of the day's work and must be counted as hours worked. For example, if an employee normally finished work at a particular job site at 5:00 p.m., but is required to go to another job which is finished at 7:00 p.m., and then is required to return to the employer's premises at 8:00 p.m., all of the time is working time. However, if the employee goes home instead of returning to the employer's premises, the travel after 7:00 pm is home-to-work travel and is not counted as hours worked.

- **Overnight Travel**

This is travel that keeps an employee away from home overnight. All overnight travel is not considered work time under the FLSA, however, the County elects to pay for actual and reasonable travel as work hours.

## **WORK WEEK**

Full-time County employees normally work forty (40) hours per week. Employees in administrative, professional or managerial positions generally work the numbers of hours necessary to assure the satisfactory performance of their duties.

The official work period for all county employees begins on Friday at 5:01 p.m. and ends on Friday at 5:00 p.m. The workweek, once established, may not be changed unless the change is intended to be permanent. An employer may have one work period applicable to all of its employees, or have different work periods for different employees or groups of employees.

## **RECORDING OF TIME WORKED**

As a County employee, you are required to keep an employee time sheet. This time sheet must be an accurate record of all hours worked, including overtime. You must turn in your signed time sheet to your Supervisor each month in order to be paid.

The accuracy of your time record is important. Anyone who intentionally makes a false time report is subject to disciplinary action, including dismissal.

If you work overtime, both the Department Head and County Manager must approve it in advance. The only exceptions to this are emergency situations.

### **PAY DAY**

Employees will receive their paycheck on the last working day of each month, with the exception of Christmas, in which the employee will receive their paycheck the last working day before the Christmas Holiday.

### **PAYROLL DEDUCTIONS**

The following authorized deductions are made from the employee's check each pay period:

- Federal and State Income Tax
- Social Security Taxes (as required by law)
- Local Government Employees Retirement System Contribution

Employees may request to have these additional deductions:

- Insurance
- Credit Union
- 401(k) Supplemental Retirement Income
- Deferred Compensation Plans
- Flex Plan Deduction

### **DISCIPLINARY ACTIONS**

Department heads and supervisors are responsible for maintaining the proper conduct and discipline of employees under their supervision. When an employee's performance or conduct is determined by a supervisor or department head to be unacceptable, disciplinary action may be taken in a number of ways, depending on the nature of the offense.

### **JUST CAUSE FOR DISCIPLINARY ACTION**

Any employee, regardless of occupation, position, or profession may be warned, placed on probation, demoted, suspended or dismissed by the appointing authority. Such actions may be taken against employees with regular status. The degree and type of action taken shall be based upon the sound and considered judgment of the appointing authority in accordance with the provisions of this Section. When just cause exists the only disciplinary actions provided for under this Section are:

- Written warning;
- Probation
- Disciplinary suspension without pay
- Demotion
- Dismissal

The basis for discipline or dismissal of employees under the statutory standard of “just cause” as set out in G.S. 126-35 are:

- Discipline or dismissal imposed on the basis of unsatisfactory job performance, including grossly inefficient job performance.
- Discipline or dismissal imposed on the basis of unacceptable personal conduct.

Either unsatisfactory or grossly inefficient job performance or unacceptable personal conduct, as defined in the following Subparts of this Section, constitutes just cause for discipline or dismissal. The categories are not mutually exclusive, as certain actions by employees may fall into both categories, depending upon the facts of each case. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.

The imposition of any disciplinary action shall comply with the procedural requirements of this Section in the following Subpart.

#### **BEHAVIORS WHICH WILL RESULT IN DISCIPLINARY ACTION**

- Excessive absenteeism and/or tardiness.
- Horseplay/rowdiness.
- Minor safety violations where serious injury or death is not reasonably expected as a consequence.
- Poor job performance.
- Inattentiveness to work.
- Failing to start to work or quitting work before the designated time.

- Failure to report to work without prior notification and approval of a supervisor unless it is impossible to give such notice.
- Failure to demonstrate a reasonable competence on the job or to perform work in a satisfactory manner following normal job orientations and training.
- Insubordination.
- Careless, negligent or intentional improper use of County property or equipment.
- Absence without approved leave.
- Improper use of leaves privileges.
- Incompatible secondary employment or conflict of interest.
- Sleeping on the job.
- Negligence in the performance of duties.
- Failure of a supervisory employee to take the necessary or appropriate levels to properly supervise or discipline a subordinate employee when such actions are required.
- Misappropriation of County funds or property.
- Misrepresentation of County records and/or attendance reports for personal profit or to grant special privileges.
- Misrepresentation of time worked on time sheets.
- Discourteous treatment of the public or other employees, including sexual harassment.
- Willful violation of known and/or written work rules.
- Failure to maintain current valid credentials required in the performance of job duties, including driver's license.
- Fraud in securing employment.
- Reporting to work under the influence of intoxicants, nonprescription or illegal drugs; or partaking of such while on duty or on public property; or the possession of intoxicants, nonprescription or illegal drugs on County property except that prescribed medication may be taken within the limits set by a physician so long as medically necessary.
- Willful damage or destruction of County property, or private property of others while on duty.
- Willful or careless acts that would endanger the lives and property of others.
- Acceptance of gifts in exchange for "favors" or "influence."
- Violation of political activity restrictions.
- Fighting.
- Stealing.
- Conduct unbecoming a public officer or employee which might interfere with the successful performance of job duties.

- Conviction of a felony or a misdemeanor, or the entry of a plea of “no contest” to either, which is detrimental to or impacts the employee’s service to the County.
- Unauthorized possession or use of firearms or any other lethal weapon while on the job, on County premises or in any connection with the County employment.
- This list is not to be considered all inclusive

## **PROBATION**

An employee may be placed on probation for unsatisfactory job performance after receiving at least one written warning involving a disciplinary action. The length of a probationary period may be determined by the Department Head and Manager after discussion of the reason (s) for the disciplinary action. An employee who has been placed on probation must be furnished a statement in writing setting forth the specific reason(s) for the probationary action and inform the employee of their appeal rights.

It is not mandatory to place an employee on probation prior to taking other disciplinary actions.

## **DISMISSAL FOR UNSATISFACTORY JOB PERFORMANCE**

Unsatisfactory Job Performance is work related performance that fails to satisfactorily meet job requirements as specified in the relevant job description, work plan or as directed by the management of the work unit or department.

The intent of this Section is to assist and promote improved employee performance, rather than to punish. This Rule covers all types of performance-related inadequacies. This Section does not require that consecutive disciplinary actions all concern the same type of unsatisfactory performance. Disciplinary actions related to personal conduct may be included in the successive system for performance-related dismissal provided that the employee receives at least the number of disciplinary actions, regardless of the basis of the disciplinary actions, required for dismissal on the basis of inadequate performance. Disciplinary actions administered under this Section are intended to bring about permanent improvement in job performance. Should the required improvement later deteriorate, or other inadequacies occur, the supervisor may deal with this new unsatisfactory performance with further disciplinary action.

In order to be dismissed for a current incident of unsatisfactory job performance, an employee must first receive at least two prior disciplinary actions: First, one or more written warnings; followed by a warning or other disciplinary action which notifies the

employee that failure to make the required performance improvements may result in dismissal.

Prior to the decision to dismiss an employee, the department head must conduct a pre-dismissal conference with the employee in accordance with the procedural requirements of this Section.

An employee who is dismissed must receive written notice of the specific reasons for the dismissal as well as notice of any applicable appeal rights.

Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights.

### **DISMISSAL FOR GROSSLY INEFFICIENT JOB PERFORMANCE**

Gross Inefficiency (Grossly Inefficient Job Performance) occurs in instances in which the employee fails to satisfactorily perform job requirements as specified in the job description, work plan, or as directed by the management of the work unit or department and that failure results in:

- 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 the responsibility; or
- the loss of or damage to department property or funds that result in serious impact on the department and/or work unit.
- prevents the work unit from meeting goals or providing efficient services

Dismissal on the basis of grossly inefficient job performance is administered in the same manner as for unacceptable personal conduct. Employees may be dismissed on the basis of a current incident of grossly inefficient job performance without any prior disciplinary action.

Prior to dismissal of an employee with regular status on the basis of grossly inefficient job performance, there shall be a pre-dismissal conference between the employee and the department head. This conference shall be held in accordance with the provisions of the Subpart on Procedural Requirements.

Dismissals for grossly inefficient job performance require written notification to the employee. Such notification must include specific reasons for the dismissal and notice of the employee's right of appeal.

Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights.

### **DISMISSAL FOR PERSONAL CONDUCT**

Employees may be dismissed for a current incident of unacceptable personal conduct.

Unacceptable Personal Conduct is:

- conduct for which no reasonable person should expect to receive prior warning; or
- job related conduct which constitutes a violation of state or federal law; or
- conviction of a felony or an offense involving moral depravity that is detrimental to or impacts the employee's service to the department; or
- the willful violation of known or written work rules; or
- conduct unbecoming an employee that is detrimental to the department's service; or
- the abuse of client(s), patient(s), student(s) or a person(s) over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned or in the custody of the department; or
- falsification of an employment application or other employment documentation; or
- 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; or

Prior to dismissal of an employee with regular status on the basis of unacceptable personal conduct, there shall be a pre-dismissal conference between the employee and the department head. This conference shall be held in accordance with the provisions of this section.

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.

### **WRITTEN WARNING**

The supervisor shall monitor and promote the satisfactory performance of work assignments and acceptable standards of personal conduct. All types of performance-related job inadequacies may constitute unsatisfactory job performance under this Section. Unacceptable personal conduct may be work-related or non-work-related conduct and may be intentional or unintentional. When the supervisor determines that disciplinary action is appropriate for unsatisfactory job performance, a written warning is the first type of disciplinary action that an employee must receive. The supervisor may elect to issue a written warning for grossly inefficient job performance or unacceptable personal conduct. The written warning must:

- Inform the employee that this is a written warning, and not some other non-disciplinary process such as counseling;
- Inform the employee of the specific issues that are the basis for the warning;
- Tell the employee what specific improvements, if applicable, must be made to address these specific issues;
- Tell the employee the time frame allowed for making the required improvements/corrections. Absent a specified time frame, 60 days is the time frame allowed for correcting unsatisfactory job performance. Immediate correction is required for grossly inefficient job performance or unacceptable personal conduct;
- Tell the employee the consequences of failing to make the required improvements/corrections.
- A written warning must be issued in accordance with the procedural requirements contained in the Subpart of this Section.

It is not mandatory to place an employee on probation prior to taking other disciplinary actions.

## **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 prior disciplinary action or for causes relating to any form of unacceptable personal conduct or grossly inefficient job performance. Prior to placing any employee on disciplinary suspension without pay the department head shall conduct a pre-suspension conference with the employee in accordance with the procedural requirements of this Section. An employee who has been suspended without pay must be furnished a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension and the employee's appeal rights.

## **DEMOTION**

The department head has the discretion, in rare and unusual circumstances 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. The department head shall reduce the salary of the employee.

- Any employee may be demoted as a disciplinary measure. Demotion may be made on the basis of either unsatisfactory or grossly inefficient job performance or unacceptable personal conduct.
- Unsatisfactory Job Performance. An employee may be demoted for unsatisfactory job performance after the employee has received at least one prior disciplinary action.
- Grossly Inefficient Job Performance. An employee may be demoted for grossly inefficient job performance without any prior disciplinary action.
- Personal Conduct. An employee may be demoted for unacceptable personal conduct without any prior disciplinary action.
- 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.
- An employee shall receive a decrease in salary due to a demotion to a lower salary grade as determined by the department head subject to review and approval by the County Manager. In no event shall an employee's salary rate be reduced to less than the minimum salary rate for the applicable pay grade.

- Prior to the decision to demote an employee for disciplinary reasons, the department head must conduct a pre-demotion conference with the employee in accordance with the procedural requirements of this Section.

## PROCEDURAL REQUIREMENTS

Department Heads shall consult with the County Manager regarding matters where probation, suspension without pay, demotion or dismissal is considered. The following procedural requirements must be followed to issue disciplinary action under this Section:

**Written Warning.** To issue a written warning to an employee, a supervisor must issue the employee a written warning, detailing the matters referenced in the *written warning* Subpart.

**Probation.** To place an employee on probation they must first have received a written warning. The department head will furnish a written statement setting forth the reasons, length of the probation period and the employee's appeal rights.

**Disciplinary Suspension without Pay.** To place an employee on disciplinary suspension without pay, the department head must comply with the following procedural requirements:

- In matters of unsatisfactory job performance, insure that the employee has received at least one prior disciplinary action. In matters of grossly inefficient job performance or unacceptable personal conduct no prior disciplinary actions are required so an employee may be suspended without pay for a current incident of grossly inefficient job performance or unacceptable personal conduct;
- Furnish the employee a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension; advise the employee of any applicable appeal rights in the document affecting the suspension. A department shall furnish to an employee, as an attachment to the written documentation of a grievable disciplinary action, a copy of the county grievance procedure.
- An employee with regular status who has received a disciplinary suspension without pay shall have fifteen (15) calendar days from the date of his/her receipt of written notice of such action to file an appeal with the county grievance procedure.

**Demotion.** To demote an employee the department head must comply with the following procedural requirements:

- In matters of unsatisfactory job performance, insure that the employee has received at least one prior disciplinary action;
- In matters of grossly inefficient job performance or unacceptable personal conduct, there is no requirement for previous disciplinary action, so an employee may be demoted for a current incident of grossly inefficient job performance or unacceptable personal conduct without any prior disciplinary action;
- Give advance oral or written notice of the appropriate pre-disciplinary conference to the employee of the time, location, and the issue for which discipline has been recommended. The amount of advance notice shall be as much as is practical under the circumstances.
- Give an employee who is demoted written notice of the specific acts or omissions that are the reasons for the demotion;
- Advise the employee of how and to what extent the demotion will affect the employee's salary rate or pay grade; and
- Advise the employee of any applicable appeal rights in the document affecting the demotion. A department head shall furnish to an employee, as an attachment to the written documentation of a grievable disciplinary action, a copy of the county grievance procedure. An employee with regular status who has been demoted shall have fifteen (15) calendar days from the date of his/her receipt of written notice of such action to file an appeal with the county grievance procedure.

**Dismissal.** Before an employee may be dismissed, a department head must comply with the following procedural requirements:

- The supervisor recommending dismissal shall discuss the recommendation with the department head who shall conduct a pre-dismissal conference with the employee. The person conducting the pre-dismissal conference must have the authority to recommend what, if any, disciplinary action shall be imposed on the employee.
- The supervisor or designated management representative shall schedule a pre-dismissal conference with the employee.

- Advance written notice of the pre-dismissal 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 shall be as much as is practical under the circumstances.
- The department head shall conduct a pre-dismissal conference with the employee, limiting attendance to the employee and the person conducting the conference; a second management representative may be present at management's discretion. A representative from the Human Resources Department shall be present to act as an unbiased consultant. The purpose of the pre-dismissal conference is to review the recommendation for dismissal with the affected employee, to listen to and consider any information put forth by the employee, in order to insure that a dismissal decision is sound and not based on misinformation or mistake. Security personnel may be present when, in the discretion of the person conducting the conference, a need for security exists. No attorneys representing either side may attend the conference.
- In the conference, management shall give the employee oral or written notice of the recommendation for dismissal including specific reasons for the proposed dismissal and a summary of the information supporting that recommendation. The employee shall have an opportunity to respond to the proposed dismissal action and to set forth any available information in opposition to the recommendation to dismiss prior to the end of the conference. This opportunity does not include the option to present witnesses.
- Following the conference, management shall review and consider the response of the employee and reach a decision on the proposed recommendation. To minimize the risk of dismissal upon erroneous information, and to allow time following the conference for management to review all necessary information, the decision to dismiss should not be communicated to the employee in accordance with this subparagraph, prior to the beginning of the next business day following the conclusion of the pre-dismissal conference but before the end of the second business day following the completion of the pre-dismissal conference.
- If management's 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 know address of the employee. A department head shall furnish to an employee, as an attachment to

the written documentation of a grievable disciplinary action, a copy of the county grievance procedure. An employee with regular status who has been dismissed shall have fifteen (15) calendar days from the date of his/her receipt of written notice of such action to file an appeal with the county grievance procedure.

- Management shall determine the effective date of a dismissal for unsatisfactory job performance. The effective date of the dismissal shall not be earlier than the letter of dismissal nor more than 15 calendar days after the notice of dismissal.

### **TIME LIMITS FOR ACTIVE WARNINGS/DISCIPLINARY ACTIONS FOR PROGRESSIVE DISCIPLINE**

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

- The County Manager, Department Head or Supervisor notes in the employee's personnel file that the reason for the disciplinary action has been resolved or corrected; or
- 18 months have passed since the warning or disciplinary action, the employee does not have another active warning or disciplinary action which occurred within the last 18 months and the department has not, prior to the expiration of the 18 month period, issued to the employee written notice, including reasons, or the extension of the period.

### **PLACEMENT ON INVESTIGATION FOR EMPLOYEES SUBJECT TO STATE PERSONNEL ACT**

Placement on 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 Section and is not appealable. Management must notify an employee in writing of the reasons for investigatory placement not later than the second scheduled work day after the beginning of the placement. An investigatory placement with pay may last no longer than 30 calendar days without written notice of extension by the department head. When an extension beyond the thirty-day period is required, the department head must advise the employee in writing of the extension, the length of the extension, and the specific reasons for the extension. If a department head has taken no action by the end of the 30 day period and no further extension has been imposed, the department must either take appropriate disciplinary action on the basis of the findings of the 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:

- To investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action;
- To provide time within which to schedule and conduct a pre-disciplinary conference;
- To avoid disruption of the work place or to protect the safety of persons or property.

### **INVESTIGATIVE SUSPENSION FOR ALL EMPLOYEES NOT SUBJECT TO THE STATE PERSONNEL ACT**

Investigation status is used to temporarily remove an employee from active work status. Suspension may be necessary in either causes relating to performance of duties or personal conduct detrimental to county services. Placement on investigation with pay does not constitute a disciplinary action as defined in this Section and is not appealable. Suspension is intended for use in providing time to investigate, establish facts, and to reach a decision concerning an employee's actions in those cases where it is determined the employee should not continue to work pending a decision.

During the investigation, hearing, or trial of an employee on any criminal charge, or during the course of certain civil actions or other situations involving an employee, or when suspension would be in the best interest of the employee or Yadkin County, the department head may, with the County Manager's approval, suspend the employee with or without pay for an indefinite period.

**With pay.** The department head must notify an employee in writing of the reasons for investigative suspension no later than the second scheduled work day after the beginning of the suspension. An investigatory placement with no pay may last no longer than 30 calendar days without written notice of extension by the department head. When an extension beyond the thirty-day period is required, the department head must advise the employee in writing of the extension, the length of the extension, and the specific reasons for the extension. If no action has been taken by a department head by the end of the 30 day period and no further extension has been imposed, the department head must either take appropriate disciplinary action on the basis of the findings of the 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. It is permissible to

place an employee in investigation status with pay only under the following circumstances:

- To investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action;
- To provide time within which to schedule and conduct a pre-disciplinary conference; or
- To avoid disruption of the work place or to protect the safety of persons or property.

Failure of the employee to report back to work when requested or at the expiration date of the suspension will result in termination of employment effective the date the employee fails to return.

**Without pay.** When facts known to the department head, which in his/her judgment, would seriously impact the department's ability to maintain the integrity of such department or maintain the level or quality of such services provided by such department and only in those events, the department head with the approval of the County Manager, may suspend an employee without pay for a minimum of one full week.

If in the judgment of the department head and the county manager, the employee was not at fault and the suspension is terminated by full reinstatement, the employee may be granted full recovery of pay and benefits for the period of the suspension.

Failure of the employee to report back to work when requested or at the expiration date will be considered to have terminated his/her employment effective the date of suspension without reinstatement of pay and benefits and any subsequent reinstatement or reemployment shall be on the basis of new employment.

## **GRIEVANCE PROCEDURE, DISCRIMINATION, AND ADVERSE ACTION APPEAL**

### **Grievance Procedure and Adverse Action Appeal – Policy**

Every temporary, probationary and regular employee shall have the right to present his or her problem, grievance or adverse action appeal in accordance with the established policy free from interference, coercion, restraint, discrimination, or reprisal.

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

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

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

## **GRIEVANCE AND ADVERSE ACTION - DEFINITIONS**

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

**Adverse Action** A suspension, probation, demotion, dismissal, reduction in pay.

## **GRIEVANCE AND ADVERSE ACTION APPEAL PROCEDURE NON-DISCRIMINATION**

Any county employee having a problem or grievance arising out of or due to his/her employment and who does not allege discrimination because of his/her age, sex, color, national origin, religion, creed, physical disability, or political affiliation shall first discuss the problem or grievance with his/her supervisor and follow the grievance and adverse action appeal procedure established by the county.

**STEP ONE:**

The employee with a grievance or adverse action appeal shall present the matter in writing to his/her immediate supervisor within fifteen (15) calendar days of its occurrence or within fifteen (15) calendar days of the time the employee learns of its occurrence, with the objective of resolving the matter informally. If the exact date cannot be established for the occurrence of a grievance circumstance, the fifteen (15) day limit may be waived, but the employee shall file the grievance within a reasonable time period. The supervisor should be and is encouraged to consult with any employee or officer deemed necessary to reach a correct, impartial and equitable determination and shall give the employee an answer as soon as possible but within five (5) working days.

**STEP TWO:**

If the decision is not satisfactory to the employee in Step 1, or if they fail to receive an answer within the designated period provided in Step 1, he may file the grievance in writing within ten (10) working days with the Department Head, who shall hear the grievance and render a decision in writing within a maximum of ten (10) working days.

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

**STEP THREE:**

**Grievance**

**General County Employee** If the decision is not satisfactory to a general county employee in Step 2, or if he or she fails to receive an answer within the designated period provided in Step 2, an employee may file the grievance with the County Manager within ten (10) days. The County Manager shall hear the grievance appeal within ten (10) days, and shall render a decision in writing within ten (10) days after the hearing. Recesses or continuances may be granted by the County Manager. The County Manager's decision shall be final regarding the grievance.

### **Adverse Action**

**General County Employee** In an adverse action case (demotion, dismissal, probation, reduction in pay, layoff, or an undesirable transfer or suspension), the general county employee may appeal to the County Manager within ten (10) days. The County Manager shall hear the adverse action within ten (10) days after receiving notice of appeal, and shall render a decision in writing within ten (10) days after the hearing. Recesses and continuances may be granted by the County Manager. The County Manager's decision shall be final regarding the adverse action.

**Competitive Service Employee** If a competitive service employee is not satisfied with the Step 2 decision or if he/she fails to receive an answer within thirty days of his/her Step 2 hearing, he/she may file the grievance or adverse action appeal with the appropriate Board of Authority associated with his/her department. He/She may also file an appeal with the appropriate Board of Authority within ten (10) days after receipt of notice of the Department Head's Step 2 decision, or within sixty (60) days of Step 2 hearing if he/she fails to receive an answer within the thirty (30) day limit.

### **STEP FOUR:**

**Competitive Service Employee** If a competitive service employee is not satisfied with the Step 3 decision or if he/she fails to receive an answer within thirty days of his/her Step 3 hearing, he/she may file the grievance or adverse action appeal with the State Personnel Commission within thirty (30) days after receipt of notice of appropriate Board of Authority's Step 3 decision, or within sixty (60) days from Step 3 hearing if he/she fails to receive an answer.

The grievant shall be informed in writing that an appeal to the State Personnel Commission may be made by filing a request with the Office of Administrative Hearings, Post Office Drawer 27447, Raleigh, North Carolina 27611-7447. The grievant must give Yadkin County notice of the appeal. Notice must be given to the County Manager or the Chairman of the Board of County Commissioners by certified mail within fifteen (15) days of filing of the notice of appeal. Notice should be sent to the following address: County Manager (or Chairman, Board of County Commissioners), Post Office Box 146, Yadkinville, North Carolina 27055.

Grievances involving disciplinary action or allegations of discrimination appealed to the State Personnel Commission, either from a final decision of the agency grievance procedure or directly because of allegations of discrimination, will be heard by a hearing officer of the Office of Administrative Hearings. Following the hearing, the hearing officer will make a proposal for decision containing findings of fact and conclusions of law and will deliver a copy of this proposal to each party. Also, the hearing officer will give each party an opportunity to file exceptions and proposed findings of facts and written arguments presented to him by the parties, the hearing officer will issue a recommended decision containing findings of fact, conclusion of law and a recommendation to all parties. The hearing officer will forward a complete record of the case to the State Personnel Commission, including the recommended decision. Each party may request an opportunity to appear before the full Commission and make an oral argument on the recommended decision. The Commission, at its next meeting or as soon as possible thereafter, shall consider the report and modify, alter, set aside, or affirm said proposed decision and certify its findings to the appointing authority. Decisions which may be made by the Commission include the reinstatement of an employee to the position from which he has been removed, the employment, promotion, transfer, or salary adjustment of any individual to whom it has been wrongfully denied, or other suitable action to correct the abuse which may include requirement of payment for any loss of salary, which has resulted from the improper discriminatory action of the appointing authority. The decisions of the State Personnel Commission shall be binding in appeals of local employees subject to the State Personnel Act if the Commission finds that the employee has been subjected to discrimination or in any case where a binding decision is required by applicable Federal Standards. However, in all other local employee appeals, the decisions of the State Personnel Commission shall be advisory to the local appointing authority.

## **LITIGATION**

Under normal circumstances the County's liability insurance coverage will provide coverage for employees who are involved in litigation due to the performance of their job duties.

If the unfortunate circumstance occurs where a county employee, in the course of performing their job, has legal action taken against them which is not covered by the county's insurance policy, Yadkin County may provide assistance with the legal case. The employee's responsibility will be to notify the County Manager of the situation, providing complete details, and identifying what assistance the employee is seeking. The Board of Commissioners must pre-approve the assistance.

## **BOARDS, COMMITTEES, COUNCILS**

Yadkin County employees are encouraged to serve on boards, committees, and councils, as long as serving does not conflict with County employment.

## **HOLIDAYS**

Yadkin County will observe the same holiday schedule as the State of North Carolina

A regular, part-time employee earns holiday leave based upon the percentage of full-time equivalency.

### **WORK ON HOLIDAYS AND OTHER TYPES OF PAID LEAVE**

Regular holidays which occur during a vacation, sick or other paid leave period of any officer or employee of the county shall not be charged as vacation, sick or other paid leave. If an employee is on leave without pay during the occurrence of a holiday, the employee will not receive pay for the holiday.

### **HOLIDAY – WHEN WORK REQUIRED**

Employees required to perform work on regularly schedule holidays may be paid at their hourly rate for the hours actually worked in addition to any holiday compensation to which they may be entitled.

### **HOLIDAY – NEW EMPLOYEE**

If an employee is hired before a holiday, the employee shall receive pay for the holiday.

### **ACCRUING VACATION LEAVE AND SICK LEAVE**

The accrument of vacation leave and sick leave shall be according to the calendar month. If an employee begins employment between the first (1<sup>st</sup>) and the fifteenth (15<sup>th</sup>) of the month, the employee will accrue vacation leave and sick leave for that month. If an employee begins employment after the fifteenth of the month, the employee will not accrue vacation leave and sick leave for that month.

## **VACATION**

Vacation leave shall be used for rest and relaxation and for sick leave when sick leave is exhausted. Vacation leave shall be taken in 1 hour increments.

### **VACATION LEAVE – INITIAL APPOINTMENT PROBATIONARY EMPLOYEES**

Employees serving a probationary period following initial appointments may accumulate vacation leave but shall not be permitted to take vacation leave during the probationary period unless the denial of such leave will create an unusual hardship. Vacation leave may be taken during this period only with the prior approval of the appointing authority. Law enforcement officers shall be allowed to take accumulated vacation leave after six (6) months of service.

**VACATION LEAVE – MANNER OF ACCUMULATION**

The anniversary date of employment shall be used for determining vacation leave, with the exception of employees with previous years of service. Any employee working the basic workweek shall earn vacation leave at the following rates:

<b>Years of Aggregate Service</b>	<b>Hours Earned Each Month</b>	<b>Hours Earned In One Year</b>	<b>Days Earned In One Year</b>
0 but less than 90 days	0	0	0
91 but less than 180 days	2	12	1.5
181 days but less than 1 year	4	24	3
1 but less than 5 years	8	96	12
5 but less than 10 years	10	120	15
10 but less than 15 years	12	144	18
15 but less than 20 years	14	168	21
20 but less than 25 years	16	192	24

**VACATION LEAVE – MAXIMUM ACCUMULATION**

Annual leave may be accumulated without any applicable maximum until December 31 of each calendar year. However, if the employee separates from service, payment for accumulated annual leave shall not exceed 240 hours. On December 31, any employee with more than 240 hours of accumulated leave shall have the excess accumulation transferred to their sick leave account, unless the employee desires to transfer their sick leave to another employee’s sick leave account in accordance with established procedures. Only 240 hours are carried forward to January 1 of the next calendar year.

Employees are cautioned not to retain excess accumulation of annual leave until late in the calendar year; due to the necessity to keep all county functions in operation, large numbers of employees cannot be granted annual leave at any one time.

An employee may transfer vacation days to another employee to use as sick leave only in such cases of extended illness or dire emergencies, and only upon prior approval by the County Manager.

#### **VACATION – TRANSFER OF VACATION LEAVE**

Regular full-time employees with previous years of service with another county may transfer their previous years of service towards accrument of vacation leave.

#### **VACATION LEAVE – MANNER OF TAKING LEAVE**

Vacation leave may be taken as earned by a regular employee subject to the approval of the Supervisor.

#### **VACATION LEAVE – PREVIOUS LEAVE CREDIT**

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

#### **VACATION LEAVE – TERMINAL PAY AND REPAYMENT OF VACATION LEAVE**

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

#### **PAYMENT FOR ACCUMULATED VACATION LEAVE UPON DEATH**

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

#### **SICK LEAVE**

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

Sick leave shall be granted to an employee absent from work for any of the following reasons: disability, sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease when continuing to work might

jeopardize the health of others. The Department Head and County Manager may approve additional sick leave for immediate family members (as defined by FMLA) in special cases where terminal or other illness requires care outside an institution.

Notification of the desire to take sick leave should be submitted to the employee’s supervisor prior to the leave or no later than thirty (30) minutes after the beginning of a scheduled workday.

An employee may transfer leave to another employee, when the receiving employee does not have adequate time to cover their absence. This leave is to be used as sick leave only in cases of extended illness or dire emergencies, and only upon prior approval by the County Manager. An employee may not transfer more than half of their accumulated sick leave, as recorded on January 1<sup>st</sup>, in a calendar year.

Sick leave shall be taken in one (1) hour increments.

**SICK LEAVE AMENDMENT**

Abuse of the privilege of sick leave, exhibited by a pattern of continually using the sick leave as it is earned, can result in punitive actions against the employee including termination. When the employee cannot show that sick leave is being used for serious medical conditions the Supervisor/Department Manager shall notify the County Manager for further investigation into possible abuse of this benefit.

**SICK LEAVE – MANNER OF ACCUMULATION**

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

<b>Years of Aggregate Service</b>	<b>Hours Earned Each Month</b>	<b>Hours Earned In One Year</b>	<b>Days Earned In One Year</b>
0 but less than 90 days	0	0	0
91 but less than 180 days	2	12	1.5
181 days but less than 1 year	4	24	3
Over 1 year	8	96	12

Sick leave earned by regular employees having a workday with greater or fewer hours than the basic workday shall be determined in accordance with the percentage ratio to a regular workday.

At the time of an employee’s separation, if sick leave is owed to the county, the time shall be deducted from the employee’s final compensation.

## **SICK LEAVE – MAXIMUM ACCUMULATION**

Sick leave will be cumulative.

## **SICK LEAVE – PHYSICIAN'S CERTIFICATE**

The employee's supervisor or department head 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 to insure that there is no abuse of sick leave privileges.

## **SICK LEAVE – RETIREMENT CREDIT FOR ACCUMULATED SICK LEAVE**

One (1) month of retirement credit is allowed for each twenty (20) days and part thereof accrued in an employee's sick leave account at time of retirement to employees who are members of the North Carolina Local Governmental Employees' Retirement System or Law Enforcement Officers' Benefit and Retirement Fund. The maximum number of sick days that may be added under this provision is 12 days for each year of membership service and prior service credit.

## **SICK LEAVE – PREVIOUS LEAVE CREDITS**

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

## **FAMILY MEDICAL LEAVE ACT**

In compliance with the FMLA, Yadkin County provides up to 12 weeks of job protected leave to employees.

Eligible employees may use FMLA leave for the following events or conditions:

- For the birth of a child
- Placement of child for adoption
- Placement of a child for foster care
- Employee is needed for care of a family member (child, spouse, parent) with a serious health condition
- Employee's own serious health condition that makes the employee unable to do his/her job.

The twelve (12) month period for determining leave entitlement will be a rolling 12-month period. The 12 months immediately preceding the current leave request will determine the entitlement. Eligible employees are entitled to twelve (12) weeks of unpaid FMLA leave less any leave used for a qualifying FMLA purpose during the

preceding twelve (12) months. Employees may not take more than twelve weeks unpaid/paid leave for a qualifying FMLA purpose in any 12 month period, unless the employee has accrued paid leave in excess of that amount and has management approval to use it or take leave without pay.

The use of paid leave for a purpose defined in the FMLA will qualify toward the time the County is required to make available to an employee eligible for leave under the Act. As in any leave situation, County employees will use all available paid leave time before being allowed to use unpaid leave. Employees may request the use of all accrued available paid leave benefits, according to policy, even if it exceeds the 12 week maximum under the FMLA. If the available paid leave is not sufficient to cover the leave requested for a FMLA purpose, maximum 12 weeks in any 12 month period, the remaining leave is unpaid leave.

The employee will be required to provide leave notice and medical certification; the taking of the leave may be denied if these requirements are not met:

- The employee should provide 30 days advance notice when leave is “foreseeable.” Otherwise, notice should be given as soon as possible.
- The County requires medical certification to support a request for FMLA leave because of a serious health condition and may require second or third opinions (at the County’s expense).
- An employee is required to give advance notice before returning to work and medical certification as to his or her fitness to return to work.

The Family and Medical Leave Act requires that employers must continue to provide group health insurance benefits to an employee during any periods of leave permitted by the Act on the same basis as if the employee had continued in active employment during the leave. Employees will be required to pay their portion of the group insurance, the same as if they continued to work, to keep the benefit.

If Family and Medical Leave Act leave is substituted for paid leave, the employee’s share of premiums must be paid by the method normally used during any paid leave by payroll deduction.

## **LEAVE WITHOUT PAY**

The employee shall apply in writing to the supervisor/director for leave. A full time or part time regular, probationary, or trainee employee may be granted leave without pay for: a remaining period of disability after both sick leave and vacation leave have

been exhausted; parental leave; educational purposes to better equip the employee for the performance of his/her duties and responsibilities; period of active duty with the Armed Forces of the United States as a result of involuntary draft or military conscription, or for a period of one voluntary enlistment not to exceed four years; special work assignment to the State or Federal levels of government; vacation purposes; or for other reasons deemed justified by the appointing authority.

Leave without pay, except military leave, shall not exceed 12 months unless the appointing authority requests an extension and a governing board and the County Manager approves it.

All accumulated vacation leave and sick leave shall be exhausted by an employee before going on leave without pay, with the exception of maternity leave. While exhausting vacation leave/or sick leave an employee continues to earn leave, is entitled to holidays and is eligible for salary increments during that period. When all leave has been exhausted and the employee continues on leave without pay, no additional vacation, sick or holiday time will be earned. When an employee returns to active status, they will resume earning vacation, sick and holiday time as of the return date to work.

At the expiration of such leave, the employee shall be reinstated to a position of similar status and pay unless such a position is no longer available due to budgetary reduction in staff. The employee shall retain retirement status and time earned toward any salary increase. Failure on the part of an employee to report promptly at the expiration of the leave of absence, except for satisfactory reasons submitted in advance, shall be cause for dismissal.

If an employee requests leave without pay for vacation purposes, when accumulated vacation time has been exhausted, the Supervisor and Director/County Manager must approve this time off. If the employee is denied the requested time off and fails to come to work during their scheduled work hours, the Director/County Manager has the right to dismiss the employee for insubordination and dereliction of duties.

The calculation of salary for any month, under which leave without pay policy applies, shall be as follows: the hourly wage, determined by dividing the annual salary by the annual work hours for the position, multiplied by the actual hours worked.

Leave time shall be taken in fifteen (15) minute increments.

## **LEAVE WITHOUT PAY – RETENTION AND CONTINUATION OF BENEFITS**

The employee may continue to be eligible for benefits under the County's group insurance plans, subject to any regulations adopted by the Board of Commissioners and the regulations of the respective insurance carriers.

### **WORKER'S COMPENSATION LEAVE**

An employee absent from duty because of sickness or disability covered by the North Carolina Worker's Compensation Act may receive Worker's Compensation benefits. An employee may elect to use accumulated vacation and sick leave to supplement the difference between his regular salary and the payments received under the Worker's Compensation Act. Such an employee may have deducted from his accumulated vacation or sick leave that fraction of a day which is the same as the fraction of the supplemental payment for one day. Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by Worker's Compensation.

### **MILITARY LEAVE**

Regular employees who are members of the National Guard or Armed Forces Reserve will be allowed twelve (12) workdays for military training leave annually. If such military duty is required beyond this twelve (12) workday period the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status. While taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the county during this period. Regular employees who are guardsmen and reservists have all job rights specified in the Veterans Readjustment Assistance Act.

### **CIVIL LEAVE**

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.

An employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation.

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

Employees must report to work immediately upon being excused from jury duty during regular working hours.

### **VOLUNTEER SERVICE LEAVE**

All County employees who are members of emergency volunteer service

organizations, with the exception of those who are paid by an organization, shall receive leave with pay for such required absence under emergency circumstances without charge to accumulated leave, with the approval of the County Manager.

### **BLOOD DONATION LEAVE**

Donating blood is important and an employee's supervisor will normally permit a reasonable amount of time off with pay to perform this community service.

### **FUNERAL LEAVE**

Employees may request one day of paid leave because of a death in the immediate family. Any additional time off will be charged to accrued sick leave or annual leave if such leave is available. Sick leave may be used for death in the employee's immediate family but may not exceed three (3) days for any one occurrence, except by special permission from the Department Head

For purposes of funeral leave, "family member" is the same as defined by FMLA.

### **EDUCATION LEAVE WITH PAY**

A leave of absence at full or partial pay during regular working hours may be granted to an employee to take one (1) course per semester/quarter which will better equip the employee to perform assigned duties upon recommendation of the department head, and with the approval of the appointing authority. The county shall reimburse the employee for tuition, fees, and books for the course, provided the employee submits a receipt of course expenses.

Educational leave at full or partial pay may be granted to an employee to take course/courses that will better equip him/her to perform assigned duties upon the recommendation of the department head and the appointing authority with the approval of the Board of Commissioners. An employee granted such extended educational leave with pay shall sign a contract with the Department Head and County Manager detailing the amount of service the employee shall return to the County, or the employee shall reimburse the County for all compensation received while on educational leave.

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

### **PARENTAL SCHOOL LEAVE**

Effective December 1, 1993, all Employers are required to provide up to 4 hours leave each year from assigned work time for an eligible Employee to attend or

otherwise be involved in their child's school. This applies only to children in elementary and high school.

**Eligible Employee** - Parent, guardian, or someone who is otherwise a child's legal representative.

**School** - Includes public and private childcare, pre-school, elementary and high schools.

**Eligible year** - July 1 through June 30. (fiscal year and normal year for most schools).

**Eligible Time** - Up to total of four (4) hours earned Parental School Leave with pay per year from assigned work time. The four hours do not have to be taken all at once, but may be used in fifteen minute periods.

**Type of Leave** - Parental School Leave with Pay and/or if additional time is needed leave may be requested by the Eligible Employee.

### **REQUEST FOR LEAVE**

Unless there is an emergency request from the child's school, the Employee is expected to request this leave in writing at least 48 hours prior to time desired.

The Employer and the Employee must mutually agree upon Parental Leave Time.

### **VERIFICATION OF ATTENDANCE**

The Employer will require the Employee to provide written certification from the child's school verifying the Employee's attendance at the approved school's function/activity.

Any Eligible Employee will complete the standard Leave Notice/Request form - with Parental Leave clearly specified and explained - for approval processing.

A written verification by an authorized official of the applicable school of the Employee's attendance at the approved school's function/activity is required to be attached to the Employee's applicable Time/Leave Report.

### **VOLUNTARY SHARED LEAVE PROGRAM**

## **Purpose:**

There are occurrences brought about by serious and 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 forced to go on leave without pay could be without income at the most critical point in their work life. It is also recognized that fellow employees may wish to voluntarily donate some of their vacation leave or sick leave so as to provide assistance to a fellow county employee. This policy would provide an opportunity for employees to assist another affected by a medical condition that requires absence from duty for a period of time resulting in possible loss of income due to lack of accumulated leave.

This policy and program will provide the opportunity for one employee to help another on a one to one personal basis. It does not permit "banking" of leave.

## **Policy**

In the case of a medical condition an employee may apply for or be nominated to become a recipient of leave transferred from the vacation or sick leave account of another employee. For purposes of this policy, medical condition means medical condition of an employee or a family member of such employee that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee due to limited leave in the employee's leave account. The intent of this policy is to allow one employee to assist another in case of a crisis involving a serious or prolonged medical condition

The use of vacation or sick leave on a shared basis for any purpose other than specified by this policy is prohibited.

An employee on workers' compensation leave who is drawing total disability compensation may be eligible to participate in this program. Use of donated leave under the workers' compensation program would be limited to use during the required waiting period and to the supplemental leave required to maintain the employee's take-home pay at the time of the qualifying event.

## **Qualifying to Participate**

- Employee may be in post-probationary, probationary, or trainee appointment status.
- By letter of application to the County Manager, a recipient shall be nominated by a fellow employee to participate in the program.

- Application for participation would include name, classification, department, department from which donations of leave would be requested, description of the medical condition and estimated length of time needed to participate in the program.
- Prior to making the employee's medical status public for purpose of receiving shared leave, the employee must sign a release to allow the status to be known.
- The Department Head and County Manager shall review the merits of the request and approve or disapprove.
- Establishment of a leave "bank" is expressly prohibited.

### **Participation Requirements**

A county employee may contribute vacation leave/or sick leave.

## **EMPLOYEE BENEFITS**

Employees that are hired into a regular position are eligible for County benefits. Employment benefits are provided based upon the status of employment.

## **INSURANCE BENEFITS**

The county provides individual hospital insurance coverage for each regular employee, based upon the status of employment.

The county may make other group insurance plans available for its employees upon authorization of the Board of Commissioners.

## **UNEMPLOYMENT INSURANCE**

In accordance with Public Law 94-566 and Chapter 1124 of the Session Laws of 1977 of the North Carolina General Assembly, local governments are covered by unemployment insurance effective January 1, 1978. County employees who are laid off or released from the county service may apply for unemployment compensation through the nearest office of the Employment Security Commission who will determine the employee's eligibility for this benefit.

## **RETIREMENT BENEFITS**

Yadkin County is a member of the North Carolina Local Government Retirement System. All employees must enroll in this program.

County paid health and life insurance coverage will be provided to employees qualifying for full retirement as a member of the North Carolina Local Governmental Employees' Retirement System and the North Carolina Law Enforcement Retirement System. These benefits will be paid at the same level as for active employees and will be provided to retired employees until they become eligible for Medicare.

## **LONGEVITY PAY**

The Yadkin County Commissioners and the County Manager demonstrate appreciation to employees who have completed landmark years of service by presenting them with a longevity pay plan:

<b>Years of Service With Yadkin County</b>	<b>Percentage of Compensation</b>
10	.50
15	.75
20	1.00
25	1.25
30	1.50

## **SERVICE AWARDS**

After every five (5) years of service to Yadkin County, employees will be recognized at the Board of Commissioners Meeting. After thirty (30) years of service to Yadkin County, employees will be recognized for each year of service thereafter given to the County at the Board of Commissioners Meeting.

## **YADKIN COUNTY EMPLOYEE AGREEMENT**

I have read the Yadkin County Personnel Resolution and have discussed its

contents with my supervisor. I understand that the benefits outlined in the Benefits section of the resolution are not conditions of employment. Membership is required in the Local Government Employees Retirement System provided I work at least 1,000 hours per year. I understand that Yadkin County may change these policies without notice.

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

This agreement should be returned to the supervisor and placed in the employee's personnel file.

### **CHANGES**

1. Approved by the Board of Commissioners December 06, 2004 for immediate implementation (Travel Policy for County Commissioners)