

# Personnel Policies



**Adopted By:**

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## **Vision Statement**

Yadkin County is committed to maintaining and promoting our rural heritage, character, and values, while being good stewards of our resources and providing excellence in health, safety, and service. We embrace growth and innovation while fostering an environment where all may live, work, and play.

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## Table of Contents

### Vision

### Contents

<b>Article I: Preface .....</b>	<b>6</b>
Section 1: .....	6
Section 2: .....	6
Section 3: .....	6
<b>Article II: General Provisions .....</b>	<b>6</b>
Section 1: Guiding Principles and Purpose .....	6
Section 2: Coverage .....	7
Section 3: Merit Principle .....	7
Section 4: Responsibility of the Board of Commissioners .....	8
Section 5: Responsibility of the County Manager .....	8
Section 6: Responsibility of the Department Directors .....	8
Section 7: Political Parties .....	8
Section 8: Hatch Act .....	9
Section 9: Destruction of Records .....	9
Section 10: Litigation .....	9
Section 11: Criminal Charges .....	9
Section 12: Boards, Committees, and Councils .....	10
<b>Article III: The Pay Plan .....</b>	<b>10</b>
Section 1: Adoption .....	10
Section 2: Classification and Pay Plan .....	10
Section 3: Maintenance of the Pay Plan .....	10
Section 4: Transition to a New Pay Plan .....	11
Section 5: Hiring Rate .....	11
Section 6: Performance Evaluation .....	12
Section 7: Cost of Living Adjustment (COLA) .....	14
Section 8: Pay Day .....	14
Section 9: Payroll Deductions .....	14
Section 10: Fair Labor Standards Act (FLSA) .....	14
Section 11: Compensatory Time .....	16
Section 12: Exempt Employees .....	16
Section 13: Flex Time .....	17
Section 14: On-Call .....	17
Section 15: Holidays, Vacation Leave, and Sick Leave .....	17
Section 16: Certification Incentives .....	17
<b>Article IV: Recruitment and Employment .....</b>	<b>18</b>
Section 1: Americans with Disabilities Act (ADA) .....	18
Section 2: Genetic Information Nondiscrimination Act (GINA) .....	19
Section 3: Statement of Equal Employment Opportunity .....	19
Section 4: Background Checks, Drug Screens and Motor Vehicle Records .....	19
Section 5: Employment of Relatives .....	20



Section 6: Recruitment.....	20
Section 7: Application Reserve File .....	21
Section 8: Qualification Standards .....	21
Section 9: Selection .....	21
Section 10: Transfer.....	22
Section 11: Position Policy .....	22
<b>Article V: Work Conditions.....</b>	<b>22</b>
Section 1: Unlawful Workplace Harassment.....	22
Section 2: Unlawful Workplace Violence .....	23
Section 3: Bullying.....	24
Section 4: Improper Dating.....	24
Section 5: Disclosure of Confidential Information .....	25
Section 6: Gifts and Favors .....	25
Section 7: News Media.....	25
Section 8: Solicitations .....	25
Section 9: Drug-Free Workplace .....	25
Section 10: Drug Testing.....	26
Section 11: Treatment and/or Return to Work .....	27
Section 12: Right to Privacy .....	27
Section 13: Required Uniforms.....	27
Section 14: Professional Image Code .....	28
Section 15: Adverse Weather Conditions .....	30
Section 16: Use of County Vehicles and Motor Vehicle Records.....	31
Section 17: Information Technology Policy.....	32
Section 18: Travel Policy.....	33
Section 19: Outside Employment .....	40
Section 20: Children in the Workplace.....	41
Section 21: Animals in the Workplace .....	42
Section 22: Telework Policy .....	42
Section 23: Attendance, Absenteeism, and Tardiness .....	42
Section 24: Hours Worked .....	42
Section 25: Meals.....	43
Section 26: Travel Time .....	43
Section 27: Workweek .....	44
<b>Article VI: Leaves of Absence .....</b>	<b>44</b>
Section 1: Holidays .....	44
Section 2: Vacation Leave.....	45
Section 3: Sick Leave.....	47
Section 4: Family Medical Leave Act (FMLA) .....	49
Section 5: Leave without Pay .....	54
Section 6: Workers' Compensation Leave.....	55
Section 7: Military Leave .....	57
Section 8: Civil Leave.....	57
Section 9: Blood Donation Leave .....	58
Section 10: Funeral Leave .....	58
Section 11: Administrative Leave .....	58
Section 12: Education Leave with Pay .....	58



---

Section 13: Parental School Leave with Pay .....	58
Section 14: Voluntary Shared Leave Program.....	59
<b>Article VII: Separation, Discipline and Reinstatement .....</b>	<b>60</b>
Section 1: Separation from Employment .....	60
Section 2: Furlough .....	61
Section 3: Termination of Employment.....	61
Section 4: Exit Interview .....	61
Section 5: Disciplinary Actions .....	62
Section 6: Procedural Requirements .....	65
Section 7: Grievance .....	66
<b>Article VIII: Insurance, Retirement, and Benefits.....</b>	<b>66</b>
Section 1: Employee Benefits.....	66
Section 2: Insurance Benefits.....	66
Section 3: Unemployment Insurance.....	66
Section 4: Retirement Benefits .....	67
Section 5: Longevity Pay .....	67
<b>Article IX: Personnel Records .....</b>	<b>68</b>
Section 1: Personnel Records .....	68
Section 2: Public and Confidential Information Defined .....	68
Section 3: Request and Review Procedure .....	70
Section 4: Remedies and Objections.....	70

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## **Article I: Preface**

### ***Section 1:***

The employment relationship between Yadkin County (the County) and the employee is terminable at the will of either at any time, with or without cause and with or without notice. No employee, officer, agent, or representative of the County has any authority to enter into any agreement or representation, verbally or in writing, which alters, amends, or contradicts this provision or the provisions of this policy. Any exception to this policy of at-will employment must be expressed in writing, approved by the Board of Commissioners (the Board) and executed by the officer(s) designated by the Board. In addition, the County may alter an employee's position, duties, title, or compensation at any time, with or without notice and with or without cause. Nothing in this policy, any document or statement, or implied from any course of conduct shall limit the County's or employee's right to terminate employment at-will.

### ***Section 2:***

None of the benefits or policies set forth in this Personnel Policies document are intended because of their publication to confer any rights or privileges upon employees or to entitle them to be or remain employed by the County. The contents of this document are presented as a matter of information only. Although the County believes wholeheartedly in the plans, policies, and procedures described herein, they are not conditions of employment.

### ***Section 3:***

These personnel policies do not create a binding contract. The policies are not all inclusive and are meant to be merely a set of guidelines for the implementation of personnel programs. The County explicitly reserves the right to modify any of the provisions of these policies at any time without notice to employees. Notwithstanding any of the provisions within these policies, employment may be terminated at any time, either by the employee or by the County, with or without cause and with or without advance notice.

## **Article II: General Provisions**

### ***Section 1: Guiding Principles and Purpose***

Every employee of the County serves an important function. Not only are they entrusted with the responsibility of performing a specific job to the best of their ability, but they also serve as a representative of the County to the general public. Their speech and behavior can give the citizens and visitors a good or bad impression of County government. Therefore, every employee is expected to conduct themselves in a manner that is above reproach at all times.

These personnel policies contain information about the responsibilities and benefits which apply to all full-time employees of the County. Part-time employees may have different benefits and conditions of employment and should refer any questions about their employment to their Supervisors.

The purpose of these policies is to establish a personnel system which will recruit, select, develop, and maintain an effective and responsible work force. All appointments and

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promotions of County employees shall be made on the basis of merit, fitness, and demonstrated ability. This policy is established under the authority of N.C.G.S. 153A.

These policies are available to each employee through the County's website. Address questions about any of the policies with your immediate Supervisor.

The Board of Commissioners reserves the right to revise by addition, reduction, correction, deletion, or updating any or all part(s) of these policies. Any changes made in these policies will be brought to the immediate attention of all employees through a mass email distribution.

### ***Section 2: Coverage***

The provisions of these policies shall be applicable to all employees, except as provided below:

- a. The County Attorney and elected officials shall be exempted from the provisions of these policies, except where specifically included.
- b. Part-time officials appointed by the Board of Commissioners and employees of advisory or special boards and commissions who work an irregular schedule shall be exempted from all provisions of these policies, except where specifically included.
- c. The Sheriff of Yadkin County and the Register of Deeds of Yadkin County shall retain the exclusive right to hire, discharge, and supervise the respective employees in their offices, as described in N.C.G.S. 153A-103.

### ***Section 3: Merit Principle***

The purpose of this policy and the rules and regulations set forth is to establish a fair and uniform system for modern personnel administration for all employees of the County.

The County shall embrace the following merit system principles in administering its program:

- a. Applicants and employees shall be assured of fair treatment in all aspects of personnel administration without regard for political affiliation, race, color, national origin, sex, parental status, religious creed, age, disability, genetic information or military service, and with proper regard for their privacy and constitutional rights as citizens. This includes the federal equal employment opportunity and nondiscrimination laws.
- b. Employees shall be recruited, selected, trained, and advanced on the basis of their ability, knowledge, skill, and performance.
- c. Employees shall be retained on the basis of the adequacy of their performance. They shall be guided in ways to correct inadequate performance and separated when inadequate performance cannot be corrected.
- d. Employees shall be protected against coercion for partisan political purposes.
- e. Employees shall receive equitable and adequate pay and benefits. Eligible employees shall receive merit pay increases based upon their performance, subject to the availability of funds.

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#### ***Section 4: Responsibility of the Board of Commissioners***

The Board of Commissioners shall establish personnel policies and rules, including the Classification and Pay Plan, approve new positions and position reclassifications, and shall make and confirm appointments when required by law.

The Board shall adopt or provide for rules, regulations, and/or resolutions concerning personnel policies and other measures that promote the hiring and retention of capable, diligent, and honest employees under the authority of Chapter 153A-94 of the General Statutes of North Carolina, to be administered by the Board or its authorized designee(s).

#### ***Section 5: Responsibility of the County Manager***

The County Manager shall oversee and carry out the established personnel policies and rules and advise the Board of Commissioners on the Classification and Pay Plan. The County Manager may transfer positions between departments and transfer employees between same pay grade positions.

The County Manager shall perform other duties as directed by the Board to promote the hiring and retention of capable, diligent, and honest employees. The County Manager shall ensure adherence to office hours, workdays, and holidays prescribed by the Board.

The County Manager may appoint any staff member to assist in the preparation, maintenance, and administration of the Classification and Pay Plan and to perform such other duties as the Manager shall require.

#### ***Section 6: Responsibility of the Department Directors***

Department Directors shall have the responsibility to enforce these personnel policies, as well as all other applicable policies adopted by the Board of Commissioners and those implemented by the central services departments (Finance, Human Resources, Information Technology, and Public Buildings). Failure to enforce County policies shall result in disciplinary action, up to and including dismissal. Throughout this personnel policy, the term "Department" includes the Office of the Sheriff and the Office of the Register of Deeds.

#### ***Section 7: Political Parties***

Every employee of the County has a civic responsibility to support good government by every available means and in every appropriate manner. Employees 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;
- Employees are not eligible to run for the elected office of County Commissioner.

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

### ***Section 8: Hatch Act***

The Hatch Act restricts the political activity of individuals principally employed by state or local executive agencies whose salary is paid for completely by federal loans or grants. The following list offers examples of the types of programs which frequently receive financial assistance from the federal government: public health (including the Women, Infants, and Children Program), public welfare, housing, urban renewal and area redevelopment, employment security, labor and industry training, public works, conservation, agricultural, civil defense, transportation, anti-poverty, and law enforcement programs.

### ***Section 9: Destruction of Records***

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with N.C.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.

### ***Section 10: Litigation***

Under normal circumstances the County's liability insurance policy 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, the County may provide assistance with the legal case. The employee's responsibility shall 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.

### ***Section 11: Criminal Charges***

Employees charged with an offense other than a minor traffic charge must report the charge to their Supervisor within twenty-four (24) hours of being charged.

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## ***Section 12: Boards, Committees, and Councils***

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

## **Article III: The Pay Plan**

### ***Section 1: Adoption***

Employees shall be compensated in accordance with the compensation plan established by the County and adopted by the Board of Commissioners for administration by the County Manager's office. This Pay Plan and Policy applies to all personnel positions created by and funded by the County.

### ***Section 2: Classification and Pay Plan***

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

- a. Formal job evaluation system,
- b. Competitive compensation structure with salary increases based on the cost of living and performance factors, and;
- c. Formal employee performance evaluations.

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

### ***Section 3: Maintenance of the Pay Plan***

The County Manager, as directed by the Board of Commissioners, shall be responsible for the administration and maintenance of the Pay Plan. The Pay Plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the County, and other factors. Each year prior to preparation of the annual budget, the County Manager shall solicit information affecting the levels of salary ranges, including internal relationships between classes, to reduce or eliminate any inequities, and shall present to the Board such changes in salary ranges as appear to be warranted.

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#### ***Section 4: Transition to a New Pay Plan***

The Pay Plan shall consist of one or more salary schedules. Each classified and evaluated position has a pay grade with a range including a minimum rate of pay and a maximum rate of pay. The following four (4) principles shall govern the transition to a new compensation plan and/or position grade reclassification:

- a. No employee shall receive a pay reduction as a result of the transition to a new compensation plan or grade;
- b. Employees being paid at a rate lower than the minimum wage rate for their position classification in the new compensation plan shall receive an increase to the minimum of the new pay grade;
- c. Employees being paid within the new range shall have their wage increased 2.5% per grade change;
- d. Employees being paid at the maximum rate established for their position classification shall have their wage frozen until such time as the maximum rate for their position exceeds the employee's wage.

#### ***Section 5: Hiring Rate***

Employees shall be hired at the minimum rate of the salary grade assigned to their position classification IF they meet all of the required minimum qualifications established in the job description. Appointments above the minimum rate of the salary grade may be made by the County Manager, when deemed necessary to serve the best interests of the County, based on such factors as qualifications or prior experience of the applicant, a shortage of qualified applicants available at the minimum rate, or the refusal of qualified applicants to accept employment at the minimum rate. Experience and education above the required minimum qualifications may be considered and must be job specific and based upon established guidelines approved by the Human Resources Officer and the County Manager. Funding for the new hire and position must be within the approved budget of the respective department and the funding availability confirmed by the Finance Officer with the required pre-audit certificate being affixed to the Personnel Action Request form.

If the candidate does not meet all of the established requirements of the position, the appointed rate in the compensation plan should be below the minimum rate established in the Pay Plan. In such cases, a plan for training, including a time schedule, will be prepared and submitted to Human Resources as part of the hiring package. This information shall be included in the offer letter to the candidate.

No new hire salary may exceed the maximum rate of the salary grade.

The hiring rate must be approved by the Human Resources Officer, the Finance Officer and the County Manager PRIOR to the position being offered to the best candidate. Once the candidate has passed the required background check and drug screen, the hiring department must submit a Personnel Action Request form, Salary Justification form demonstrating the qualifications are

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met or exceeded, candidate application, and position job description to Human Resources for approval of the hiring rate at least five days before the effective date listed on the Personnel Action Request form. An incomplete hiring packet will be returned to the hiring Department. Once the candidate and hiring rate have been approved by the County Manager, the hiring Department shall make a verbal offer of employment. Once the candidate verbally accepts the position, Human Resources shall prepare an offer letter for the candidate that includes the hiring rate, benefits, and start date. At that point, the hiring department may formally offer the position to the candidate. Once this process has been completed, the applicant tracking in Munis will be finalized and the hiring process is complete.

The Department Director or Elected Official of the hiring department who offers employment and a salary to a candidate prior to completion of the process above assumes all liability for the candidate. This includes any pay for hours worked by the candidate, liability insurance, workers' compensation, injuries and all other costs incurred prior to the official hiring and approval of the job candidate.

### ***Section 6: Performance Evaluation***

Each Department Director or authorized designee(s) shall complete a performance evaluation on all employees working in excess of 500 hours during the review period, other than temporary employees. The Department Director shall review and approve each performance evaluation and the County Manager will review them as well. Performance evaluations shall:

- a. Follow the County performance evaluation procedures.
- b. Utilize the County performance evaluation competencies.
- c. Be completed with honesty and integrity, and be detailed on the Employee Performance Evaluation form.

Supervisors and Department Directors shall meet with each of their employees individually throughout the year, making sure the employee understands their job duties and has the necessary resources (tools and training) to succeed in their position.

Department Directors shall complete the Management Evaluation form for Supervisors and meet with the County Manager to review the evaluation prior to meeting with the Supervisor.

Supervisors shall complete the Employee Performance Evaluation form and meet with the Department Director to review the evaluation prior to meeting with the employee.

Once the review with the Department Director has been completed, the Supervisor shall meet with the employee to review the evaluation. Likewise, the Department Director shall meet with the Supervisor to review their evaluation.

Employees are required to sign the Employee Performance Evaluation form, even if they disagree with the evaluation. The Supervisor shall provide the employee an opportunity to provide a written statement if they disagree with the evaluation. If the employee refuses to sign the Employee Performance Evaluation form, the Supervisor shall document the refusal on the evaluation form.

There shall be a minimum of two (2) and possibly three (3) signatures on Employee Performance Evaluation forms: Employee, Supervisor (if assigned), and Department Director.

There shall be a minimum of two (2) and possibly four (4) signatures on Management Evaluation forms: Employee, Immediate Supervisor completing the Evaluation form (if applicable), Department Director, and County Manager or Assistant County Manager.

There shall be two (2) signatures on Department Director Evaluation forms: Department Director and County Manager or Assistant County Manager.

Performance evaluations shall follow the schedule below. Failure to follow the schedule will result in disciplinary action, up to and including dismissal. Performance evaluations that are late or incomplete will result in immediate forfeiture of any performance pay increase for that department.

County employees may be eligible to receive a performance pay increase as set forth by the Board of Commissioners annually when meeting or exceeding performance expectations for their position description. Employees not meeting performance expectations (an overall score less than one) may be placed on a performance improvement plan (PIP). The PIP shall be submitted to Human Resources along with the evaluation form. Successful completion of a performance improvement plan will not result in the employee receiving a pay increase for performance for the prior evaluation period.

If the employee was hired or changed positions after July 1<sup>st</sup>, the employee is ineligible for a performance increase. Performance increases shall be capped based upon the maximum rate of pay for that position's pay grade.

<p><b>PERFORMANCE EVALUATION DEADLINE</b> (Action must be completed before date)</p>
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<u>DEADLINE</u>	<u>ACTION</u>
July 1	Department directors shall develop the minimum job specific competencies and accountabilities for each employee.
October 1	Department Directors shall turn in completed evaluations to Human Resources.
November 30	The following shall be completed: <ul style="list-style-type: none"><li>• The County Manager or Assistant County Manager shall evaluate each Department Director.</li><li>• The County Manager shall review each County employee evaluation.</li><li>• The Soil and Water Advisory Board and the Board of Elections shall evaluate the respective Department Director. A Board representative will meet jointly with the County Manager to review the performance evaluation.</li></ul>

- The Sheriff and Register of Deeds are elected officials and shall receive an automatic one and one-half (1.5%) merit increase annually on January 1 when performance increases are appropriated in the annual budget. The County Manager may elect to increase this under special circumstances up to three percent (3%) if either elected official has exceptional performance. This increase shall be reported to the Board of Commissioners.

December All evaluations shall be completed with recommended performance pay increases.

January Each eligible employee will be informed as to their performance pay increase. Performance pay increases will be effective January 1 and included in the first bi-weekly payroll in January.

The purpose of performance pay is to reward and promote excellence in job performance.

### ***Section 7: Cost of Living Adjustment (COLA)***

The Board of Commissioners will annually consider a COLA increase based on inflation, CPI, Social Security Administration, and available funding. The Classification and Pay Plan will be adjusted by the COLA and all employees including the County Manager, County Attorney and elected officials (Sheriff, Register of Deeds and County Commissioners) salaries will be adjusted accordingly. An employee's COLA shall be capped based upon the maximum rate of pay for that position's pay grade.

### ***Section 8: Pay Day***

Employees will receive their paycheck bi-weekly, with twenty-six (26) pay periods per year.

### ***Section 9: Payroll Deductions***

The following authorized deductions are made from the employee's paycheck 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
- Flex Plan Deduction
- Deferred Compensation Plans
- Yadkin County Property Taxes
- 401(k) Supplemental Retirement Income

### ***Section 10: Fair Labor Standards Act (FLSA)***

#### **Basic Requirements**



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Covered non-exempt workers are entitled to the minimum wage as established by the federal government under the Fair Labor Standards Act (FLSA). Overtime compensation is at a rate of one and one-half (1.5) times their regular rate after forty (40) hours of work in a workweek.

Wages required by the FLSA are due on the regular payday for the pay period covered. Deductions from wages for items such 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 the employee 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/break periods;
- 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 wages. 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 sixteen (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, 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 extra compensation for working overtime, weekends and holidays, or hours outside the normal workweek or workday if at least one and one-half (1.5) times the normal rate is paid.

### **Overtime Rate**

All non-exempt employees (special provisions apply for certain employees in law enforcement) must receive at least one and one-half (1.5) times their regular compensation for all hours **worked** over forty (40) in a workweek. Any overtime incurred by an employee must be approved through the Department Director of the department in which the overtime takes place **prior** to commencing the overtime work.

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The 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 (2) or more workweeks, with the exception of the 7K exemption. The Sheriff's Office utilizes the 28-day 7K exemption time period.

### ***Section 11: Compensatory Time***

The workweek starts on Saturday and ends Friday. From time to time it will be necessary for employees to work additional hours beyond the normal work hours. The County shall comply with the FLSA by providing compensatory time to non-exempt employees in accordance with the FLSA regulations.

As defined by the FLSA, compensatory time will be given after forty (40) hours of work for general employees. For sworn law enforcement officers, it is one hundred seventy-one (171) hours based on a twenty-eight (28) day work period. The maximum amount of hours worked does not include any hours recorded during the workweek as sick, vacation, holiday, or compensatory time.

It is the policy of the County that employees will be given compensatory time in lieu of cash overtime payments for any hours of overtime worked. For each hour of overtime worked, one and one-half (1.5) hours of compensatory time is awarded when forty (40) hours have been worked. When compensatory time is used, pay is given at the employee's regular rate of pay. Non-exempt Public Safety employees may be paid for their overtime due to the essentiality of their positions. The Animal Shelter Director and Central Permitting Director are also exempt from accruing compensatory time and shall be paid for their overtime.

All overtime work must be properly documented and receive prior approval of the Department Director **before** it is worked. The County shall not unreasonably prevent the employee from the use of compensatory time. Any employee that works overtime without prior approval will be subject to disciplinary action. When non-exempt employees request leave time, the employee shall use compensatory time for the requested leave before using vacation, sick leave, or leave without pay.

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 forty (40) hours of compensatory time. Flex scheduling should be used to control the accumulation of compensatory time. Emergency situations must be approved by the Department Director and the County Manager.

Compensatory time shall be taken in thirty (30) minute increments.

### ***Section 12: Exempt Employees***

Due to 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. As such, exempt employees are not limited to a forty (40) hour workweek. However, exempt



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employees are required to adhere to all leave policies, including but not limited to vacation and sick leave as stated in this Personnel Policy.

### ***Section 13: Flex Time***

While most County employees work a forty (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 Director, or County Manager may authorize a deviation of the normal schedule. This may include four (4) day workweeks as long as the department maintains normal service hours Monday through Friday from eight a.m. (8:00 a.m.) until five p.m. (5:00 p.m.). Permanent Flex Schedules shall be provided to Human Resources and the County Manager. Employees cannot work through their lunch breaks in order to leave work early.

### ***Section 14: On-Call***

Non-exempt full-time employees participating in an on-call rotation for emergencies after normal operating hours will receive four (4) hours compensatory time per week on-call, plus hour-for-hour for any time actually worked, with a minimum of two (2) hours per day when called on the phone or physically reporting for work. If the time worked exceeds two (2) hours, the employee will earn compensatory time at either straight time or one and one-half (1.5) times, depending upon the number of hours worked that week.

### ***Section 15: Holidays, Vacation Leave, and Sick Leave***

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

### ***Section 16: Certification Incentives***

Full-Time employees are eligible for one-time pay increases for obtaining certification or educational attainments related to their job duties and exceeding position requirements. Below is a chart of eligible certifications and educational degrees with the corresponding pay increases:

- Finance:
  - Local Government Budget and Evaluation Officer – \$1,000
  - Local Government Finance Officer Certification – \$2,000
  - Local Government Purchasing Officer Certification – \$1,000
  - CPA – \$3,000
- Human Resources
  - IPMA-HR Certified Professional (IPMA-CP) – \$1,000
  - IPMA-HR Senior Certified Professional (IPMA-SCP) – \$1,000
- Information Technology
  - UNC SOG CIO Certification – \$2,000

- Planning
  - American Institute of Certified Planners (AICP) – \$1,000
- Diplomas and Degrees

Required Degree for Position	Obtain or Possess the Following Degree			
	High School	Associate	Bachelor	Master
High School	N/A	\$1,000	\$1,500* *\$500 if credit already received for Assoc.	\$2,000
Associate	N/A	N/A	\$1,500	\$2,000
Bachelor	N/A	N/A	N/A	\$2,000
Master	N/A	N/A	N/A	N/A

- Other Certifications
  - Certified Municipal Clerk – \$1,000
  - Commercial Driver License – \$250
  - Master Municipal Clerk – \$1,000
  - Professional Engineer (PE) – \$3,000
  - Soil and Water Nutrient Management Specialist Certification – \$1,000
  - Other Professional Certifications Not Listed – at the discretion of the County Manager, but must be related to the employee’s position.
  - Building Inspections, Environmental Health, and Emergency Services employees are subject to pay increases or other supplemental pay for additional certifications when required by the County or an employee contract.
  - Other certifications required in position descriptions – varies

## **Article IV: Recruitment and Employment**

### ***Section 1: Americans with Disabilities Act (ADA)***

According to the ADA “An Individual with a disability is a person who: has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment”. The county will make a reasonable accommodation, which according to the ADA may include, but is not limited to: “making existing facilities used by employees readily accessible to and usable by a person with disabilities, job restructuring, modifying work schedules, reassignment to a vacant position; acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or

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policies, and providing qualified readers or interpreters". Employees must be able to perform the essential functions of their position with or without a reasonable accommodation.

### ***Section 2: Genetic Information Nondiscrimination Act (GINA)***

The Genetic Information Nondiscrimination Act (GINA) prohibits employment discrimination against applicants, employees, or former employees based on genetic information. It also prohibits employers from requiring genetic information about applicants or employees, except in certain very limited circumstances.

### ***Section 3: Statement of Equal Employment Opportunity***

It is the policy of the County to provide equal employment opportunity without regard to race, color, religion, sex, parental status, age, disability, genetic information (including family medical history), political affiliation, military service, 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, the 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 effectively implement the Equal Employment Opportunity Plan for Yadkin County, the Board of Commissioners has designated the County Manager with the authority and responsibility of insuring compliance with the policy. The County Manager shall report to the Board on the progress and effectiveness of the program.

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

The County Manager or authorized designee(s) shall provide advice to the Board concerning personnel practices. Additionally, the County Manager or authorized designee(s) shall provide training to Department Directors and County employees on equal employment and best practices.

As the Personnel Officer, the County Manager 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.

### ***Section 4: Background Checks, Drug Screens and Motor Vehicle Records***

All applicants for County employment are subject to a background, drug screen, and motor vehicle records check prior to the final offer of employment. Human Resources may ask for additional information as it pertains to background, drug screen, and motor vehicle records

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before a final hiring decision is made. Once hired, employees are subject to an annual motor vehicle record check.

### **Motor Vehicle Record**

A Motor Vehicle Record (MVR) must be furnished by the applicant prior to consideration for employment. All applicants being considered for employment are subject to a MVR check if driving a County vehicle, or driving a personal vehicle for County business, would be part of their job duties. This MVR shall become a part of the employee's personnel file maintained by Human Resources.

Applicants will not be considered for employment involving driving duties if they:

- Have been convicted of a DWI or a reckless driving violation within the past three (3) years.
- Have had any combination of two (2) moving violations or accidents within the past three (3) years.

The County may perform random MVR reviews for those employees who operate County vehicles.

### ***Section 5: Employment of Relatives***

#### **Limitation of Employment of Relatives**

- Members of an immediate family may not be employed within the same department or report to the same Department Director 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.
- A Supervisor shall not directly supervise a member of their extended family.
- This policy shall not be retroactive and no action will be taken concerning those members of the same family employed in conflict with the above prior to the adoption of this policy.
- Immediate family for the purpose of this section is defined as "a 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 General Statutes of North Carolina.

### ***Section 6: Recruitment***

When positions are to be filled within the County, Department Directors or the person that is responsible for entering position openings for the department will do so in Munis: Applicant Tracking. Once the position is entered and goes through the approval process, the department is notified by email that the position has been approved or is not to be filled. Once the position has been approved to be filled it is advertised. Human Resources shall publicize available

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positions, including applicable salary ranges and employment qualifications, for a minimum of seven (7) days. Applications and supplemental documents are submitted electronically by accessing Munis through the County website. Submitting a resume is not sufficient.

### ***Section 7: Application Reserve File***

Applications shall be kept in a reserve file for a period of twenty-four (24) months, in accordance with the Records Retention and Disposition Schedule, when a position is advertised.

### ***Section 8: Qualification Standards***

Employees shall meet the employment standards established by the Classification and Pay Plan, position job description 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 Director.

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.

### ***Section 9: Selection***

Department Directors shall make investigations and conduct 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. Department Directors shall use the County provided reference form to verify references on final candidates.

Final candidates for positions must submit to pre-employment drug testing and criminal background checks prior to being offered the position.

E-verify and I-9 are required within three days of the start date.

The hiring rate must be approved by Human Resources and the County Manager PRIOR to the position being offered to the best candidate. Once the candidate has passed the required background check and drug screen, the hiring department must submit a Personnel Action Request form, Salary Justification form demonstrating the qualifications are met or exceeded, candidate application, and position job description to Human Resources for approval of the hiring rate at least five days before the effective date listed on the Personnel Action form. An incomplete hiring packet will be returned to the hiring Department. Once the candidate and hiring rate have been approved by the County Manager, the hiring Department shall make a verbal offer of employment. Once the candidate verbally accepts the position, Human Resources shall prepare an offer letter for the candidate that includes the hiring rate, benefits, and start date. At that point, the hiring department may formally offer the position to the candidate. Once this process has been completed, the applicant tracking in Munis will be finalized and the hiring process is complete.

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The Department Director or Elected Official of the hiring department who offers employment and a salary to a candidate prior to completion of the process above assumes all liability for the candidate. This includes any pay for hours worked by the candidate, liability insurance, workers' compensation, injuries and all other costs incurred prior to the official hiring and approval of the job candidate.

Candidates may not begin work until all testing results and background checks have been completed and the County Manager has approved the hire.

### ***Section 10: Transfer***

If a vacancy occurs and an employee in another department is eligible for a transfer and is selected, the Department Director wishing to hire the employee shall request the transfer, which shall be subject to the approval of the County Manager.

Department Directors may transfer employees between positions within their department(s) as long as there are no reclassifications required and a Personnel Action Request form is completed and submitted to Human Resources. This is considered a lateral transfer and there are no pay changes.

### ***Section 11: Position Policy***

Positions with an employee absent from work in excess of ninety (90) consecutive days are considered vacant and may be advertised to be filled in accordance with the County's hiring policy stated in Article III.

Positions that have been vacant for twelve (12) consecutive months shall be eliminated, with notification to the department.

## **Article V: Work Conditions**

### ***Section 1: Unlawful Workplace Harassment***

The County is strongly and actively committed to ensuring a work environment for all employees that is free from all forms of unlawful harassment. As such, harassment on the job because of sex, race, color, religion, age, national origin, parental status, political affiliation, military service, 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 sex, race, color, religion, national origin, age, parental status, political affiliation, military service, or disability, 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.



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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 but is not limited to, unwelcome verbal behavior such as comments, suggestions, jokes, or derogatory remarks based upon sex or appearance; 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 their Supervisor. If the employee is uncomfortable in discussing the matter with their Supervisor, the employee shall report the incident within fifteen (15) days to their Department Director, Human Resources, or the County Manager. Supervisors who receive a sexual harassment complaint shall notify the Department Director, Human Resources, or the County Manager immediately.

All complaints will be investigated promptly, impartially, and discreetly. 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 dismissal. 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, thus allowing each employee to perform to their maximum potential.

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

N.C.G.S. 126-17 states: "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.

### ***Section 2: Unlawful Workplace Violence***

It is the policy of the County to prohibit workplace violence. The County does not tolerate any type of threats or acts of violence against persons and/or property committed by or against its

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employees. However, the County does not act as the guarantor of the safety of employees and other persons in the workplace.

The County shall use reasonable efforts to deter the threat of workplace violence and to provide a safe workplace for employees and citizens. The County shall seek to create a supportive work environment where employees feel comfortable discussing and seeking assistance with workplace violence.

It is the shared obligation of all employees to individually and jointly act to prevent or defuse actual or implied violent behavior at work. Employees who are reasonably aware of or have information pertinent to workplace violence but do not report it shall be subject to disciplinary action, up to and including dismissal.

This policy applies to all employees or anyone conducting business for or acting as a representative on behalf of Yadkin County while in any location related to County employment or conducting County business.

Workplace violence is defined as “any assaultive act within the workplace, such as intentional harassment, physical attack, communicating threats, and/or verbal or written threats of such acts, as well as actions perceived as violent or threatening and which investigation confirms were reasonably interpreted to be violent”. Workplace violence may include, without limitation, stalking, threatening communications, bullying, intimidation, shoving, kicking, spitting, or violation of restraining orders. Workplace violence does not include agitated bodily gestures or loud or rude verbalization in and of themselves, but would include that conduct directed at another person in such a manner as to put a person of reasonable fortitude in fear of harm.

Should an employee have an active Domestic Violence Protective Order or Civil No-Contact Order in place, the employee should notify their Supervisor or Department Director immediately. It is the responsibility of the Supervisor and Department Director to notify Human Resources.

### ***Section 3: Bullying***

Bullying is defined for the purpose of this policy as abusive, insulting, or offensive language towards another employee. Bullying can also include spreading misinformation, malicious rumors; and can include behaviors or language that humiliates, frightens, degrades or belittles others. This may also include inappropriate comments about another individual, and even teasing or regularly making jokes about another employee/individual. Should any employee be a witness or victim of bullying, it is to be reported to the employee’s Department Director and Human Resources Officer immediately. It is the responsibility of Supervisors and Department Directors to ensure a safe workplace and to uphold this policy.

### ***Section 4: Improper Dating***

It is the policy of the County that no employees shall date if it results in one of the employees occupying a position with influence or authority over the other’s employment, position, salary administration, personnel considerations or related management. Any employee knowing of any such dating arrangements must report it immediately to Human Resources.



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### ***Section 5: Disclosure of Confidential Information***

Employees of the County deal with many private citizens, businesses, federal, state, and local government agencies. Work of a confidential nature must remain so, and as such all records should be secured daily under lock and key and out of sight. Employees will sign a confidentiality form if job duties require access to confidential information. Anyone breaking confidentiality is subject to disciplinary actions, up to and including dismissal.

### ***Section 6: 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 of the County 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.

### ***Section 7: News Media***

Yadkin County strives to provide citizens with an accurate account of the activities of County government. All inquiries should be referred to the respective Department Director. Under no circumstances shall an employee converse with media concerning County business without permission from the Department Director or the County Manager.

### ***Section 8: Solicitations***

In order to protect employees from unwanted interruptions, it is the policy of the County that telephone, email, and fax solicitations by parties seeking to do business with Yadkin County or its employees is forbidden.

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

This policy does not apply to County-sponsored events (i.e. Relay for Life, March of Dimes, etc...).

### ***Section 9: Drug-Free Workplace***

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.

### **Illegal Use of 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 U.S. Drug Enforcement Agency (USDEA) or the U.S. 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 nonprescription 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 or Department Director 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 County has zero (0) tolerance for employees working under the influence of alcohol or other substances. Employees shall not use any beverages or other substances containing alcohol while engaged in County business, nor should they have any level of alcohol in their systems. All DOT regulated drivers and public safety employees are subject to alcohol testing for random, reasonable suspicion, post-accident situations, or return-to-duty. 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.

### **Tobacco Products and Electronic Cigarettes**

The County does not allow the use of any tobacco products within fifty (50) feet of its buildings. Electronic cigarettes and other vapor products are also prohibited from use within County buildings.

## ***Section 10: Drug Testing***

### **Employment:**

- **Post-Accident** - The County may require post-accident drug testing after any work-related accident involving County safety-sensitive employees.
- **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/nonprescription medication or alcohol.
- **Random Basis** - The County may randomly test safety-sensitive employees, defined as “those whose primary duties are likely to endanger the public or other employees if they are under the influence”.

### ***Section 11: Treatment and/or Return to Work***

Employees referred for post-accident or reasonable suspicion drug testing are placed on Administrative Leave until the test results are confirmed. An employee with a negative test result may return to work immediately.

An employee with a positive test result may 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.

### ***Section 12: Right to Privacy***

An employee should not have any expectation of privacy in any message, image, or data created, sent, received, or stored on County equipment. All County property belongs to the County and is open to reasonable searches by the Department Director, or County Manager at any time. This includes, but is not limited to - offices, desks, filing cabinets, computers, storage buildings, and County-issued vehicles. Such monitoring may occur at any time, with or without notice and with or without the employee’s knowledge.

### ***Section 13: Required Uniforms***

Uniforms shall be required for certain positions due to safety issues for employees. Uniforms must have “County of Yadkin” and the department name on one side of the front of the shirt and the employee’s first name on the other side of the front of the shirt. However, Medical Clinic staff may wear ID badges on their lab coats or scrubs instead. County-provided uniforms shall not be worn outside the work place or work hours.

The following positions authorized by the Board of Commissioners are required by the County to wear uniforms that meet the Internal Revenue Service’s (IRS) definition/interpretation of a uniform and are not taxable to employees:

Animal Shelter	All Employees
Human Services Agency	Lab Coats/Scrubs for Medical Staff providing direct care (Lab Technicians, Nurses, and Physician Extenders) Environmental Health Specialists and Program Specialists
Emergency Services	Fire Marshal/Emergency Medical Technicians/Paramedics
Central Permitting	Building Inspectors



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Parks and Recreation	All employees - Lifeguards may be allowed to wear flip-flops as part of their uniform
Sheriff's Office	Deputies/Detention Officers
Solid Waste	All employees
All custodians, buildings, grounds, and water maintenance employees, regardless of department.	

Uniforms may be purchased or leased by the County. Uniforms may also be reimbursable to employees, subject to an amount authorized by the Finance Officer and approved by the County Manager.

Hats may be required for safety and weather protection as part of the uniform and may be worn indoors. Hats must have "County of Yadkin" embroidered/affixed on the front to be considered part of the uniform.

Employees in positions requiring safety boots will be provided access to vendors for selection or reimbursed up to a defined amount authorized by the Finance Officer for boots that meet the specifications.

Appropriate outerwear will be provided for employees who spend more than fifty percent (50%) of their work hours in the outside elements during the winter months.

All employees listed above must wear uniforms that meet IRS standards. Any employee who refuses to wear the required uniform shall be subject to disciplinary action, up to and including dismissal.

If a Department Director wants employees to wear non-standard uniforms that do not meet IRS standards, employees will be responsible for obtaining those uniforms at their own expense.

All uniforms shall be approved by Human Resources and the County Manager prior to ordering.

#### ***Section 14: Professional Image Code***

County employees are expected to represent the County to its citizens in an exemplary manner both in conduct and appearance during business hours or when representing the County. Employees shall maintain their personal appearance in a clean and neat manner. Employees not required to wear uniforms shall wear appropriate-fitting business casual attire. Business casual is exemplified by slacks and shirts for men and slacks/skirts/dresses and tops for women. Leggings/footless tights may be worn with dresses and skirts that meet the requirement that the dress / skirt must be longer than three (3) inches above the knee (front and back). Leggings/footless tights are NOT to be worn with shirts/tunics, or as pants. Employees who are required to wear a uniform must be in complete uniform while on duty. Clothing should always be fresh, clean, and neatly pressed or wrinkle-free, with shirt tails tucked in and in good condition without any holes or fraying.



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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, conservative style, and professionalism. Department Directors are authorized to create department-specific Image Codes to meet department-specific safety needs and to authorize relaxed days as appropriate. Any addition to this Code must be approved by the County Manager prior to implementation.

Hair should be clean, combed, and neatly trimmed or arranged. Clean personal hygiene habits must be maintained to minimize body odor unless prohibited by sincerely held religious beliefs. In addition, strong-smelling perfumes, cologne, and body lotions are discouraged.

Inappropriate attire includes, but is not limited to - shorts or mini-skirts (more than three (3) inches above the knee); midriff tops, or tank tops; spandex bike shorts or pants; jeggings or stretch pants; athletic clothing (sweatpants, wind suits, etc.); bib overalls; halter, backless or thin-strapped dresses; flip-flops (an open type of footwear consisting of a flat sole held loosely on the foot by a Y-shaped strap that passes between the first and second toes); and any unsafe attire. **Inappropriate attire is never appropriate, including on relaxed days and costume contests.**

Hats and other headwear may not be worn indoors (unless they meet uniform requirements). See Section 13: Required Uniforms.

The County Manager may relax the rules so long as they are relaxed for all departments and employees equally. Generally, Fridays are relaxed days. On these days, appropriate jeans (not ripped, shredded, or tight-fitting jeans) and athletic/tennis shoes are allowed, but no printed t-shirts (County or Departmental Shirts are the exception). Relaxed days do not apply to positions with uniform requirements or employees in the Sheriff's Office. Employees in the Sheriff's Office shall refer to the Sheriff's internal policies on Professional Image Codes.

Department Directors and Supervisors are responsible for enforcing dress and grooming standards in their areas of responsibility. This also includes counseling employees whose appearance is inappropriate or unsafe by department standards. Department Directors and Supervisors have the authority to send employees home to change clothing to become compliant with the Professional Image Code and to require the employee to use accrued vacation leave for the time out of the office. The County Manager has ultimate authority in resolving any dispute.

Frequent and intentional disregard of this policy may result in disciplinary action, up to and including dismissal.

Reasonable accommodations shall be made by the appropriate Supervisor for those employees who, because of a sincerely held religious belief of a recognized religious organization, cultural heritage, or medical reason, request a waiver of a particular part of this policy for dress or appearance. The waiver request must be made in writing, signed by the employee, and approved by the Department Director. A medical waiver request must be supported by a doctor's note specifying the reason for the request and the anticipated duration of the request.

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In times of adverse weather conditions, such as ice and snow, employees should dress responsibly and maintain safety.

### ***Section 15: Adverse Weather Conditions***

The public's need for the availability of essential governmental services dictates that County offices should attempt to remain open during all normally scheduled hours. While severe weather may impact 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. This notification will be relayed to employees and the public on the television network WXII, Yadkin Alerts, and the County Website. If the offices are closed or delayed, the employee will be allowed to use paid Administrative Leave.

However, if the County is open and an employee, of their own volition, arrives late, leaves early, or not does report for work, they will be required to use compensatory time, vacation leave, or be in a leave without pay status for all work hours that day, whether scheduled for eight (8), twelve (12), or twenty-four (24) hours. If an employee already scheduled to use vacation, sick, or other leave, and inclement weather arises, the employee is still required to utilize their compensatory time, vacation leave, sick leave, or leave without pay status. It is the County's desire that each employee know that they are of great value as employees and there will not be any disciplinary action against them for choosing not to travel to work or for leaving early if they feel conditions are unsafe. Employees are expected to be dressed appropriately for safety following the County's Relaxed Day dress code policy on days with inclement weather.

Department Directors shall determine which positions are essential to service delivery during inclement weather and ensure that those services are available to citizens at all times when the County offices are open.

An essential employee is a designated employee that is required to work during a business closure in order to meet operational requirements. Essential Employees may include Human Services, Finance, and other departmental employees whom provide 24/7 service to the citizens of Yadkin County.

This section of the policy does not apply to Public Safety departments. Public Safety departments are identified as those that are continuously open twenty-four (24) hours per day.

Employees responsible for buildings and grounds maintenance may be required to work during inclement weather to maintain accessibility to facilities for Public Safety employees, as well as all County employees and citizens.

Under the Occupational Safety and Health Act of 1970 (OSHA), employers have a duty to protect workers from recognized serious hazards in the workplace, including heat-related hazards. To prevent heat-related illness and fatalities:

- Drink water every fifteen (15) minutes, even if you are not thirsty.




- Rest in the shade to cool down.
- Wear a hat and light-colored clothing.
- Learn the signs of heat illness and what to do in an emergency.
- Keep an eye on fellow workers.
- "Easy does it" on your first days of work in the heat. You need to get used to it.

Working in full sunlight can increase heat index values by fifteen (15) degrees Fahrenheit. Keep this in mind and plan additional precautions for working in these conditions.

<b>Work/Rest and Water Consumption Table</b> <i>Applies to average sized, heat-acclimated soldier wearing BDU, hot weather. (See TB MED 507 for further guidance.)</i>							
Easy Work		Moderate Work		Hard Work			
<ul style="list-style-type: none"> <li>• Weapon Maintenance</li> <li>• Walking Hard Surface at 2.5 mph, &lt; 30 lb Load</li> <li>• Marksmanship Training</li> <li>• Drill and Ceremony</li> <li>• Manual of Arms</li> </ul>		<ul style="list-style-type: none"> <li>• Walking Loose Sand at 2.5 mph, No Load</li> <li>• Walking Hard Surface at 3.5 mph, &lt; 40 lb Load</li> <li>• Calisthenics</li> <li>• Patrolling</li> <li>• Individual Movement Techniques, i.e., Low Crawl or High Crawl</li> <li>• Defensive Position Construction</li> </ul>		<ul style="list-style-type: none"> <li>• Walking Hard Surface at 3.5 mph, ≥ 40 lb Load</li> <li>• Walking Loose Sand at 2.5 mph with Load</li> <li>• Field Assaults</li> </ul>		<ul style="list-style-type: none"> <li>• The work/rest times and fluid replacement volumes will sustain performance and hydration for at least 4 hrs of work in the specified heat category. Fluid needs can vary based on individual differences (± ¼ qt/hr) and exposure to full sun or full shade (± ¼ qt/hr).</li> <li>• NL = no limit to work time per hr.</li> <li>• Rest = minimal physical activity (sitting or standing) accomplished in shade if possible.</li> <li>• <b>CAUTION: Hourly fluid intake should not exceed 1½ qts.</b></li> <li>• <b>Daily fluid intake should not exceed 12 qts.</b></li> <li>• If wearing body armor, add 5°F to WBGT index in humid climates.</li> <li>• If doing Easy Work and wearing NBC (MOPP 4) clothing, add 10°F to WBGT index.</li> <li>• If doing Moderate or Hard Work and wearing NBC (MOPP 4) clothing, add 20°F to WBGT index.</li> </ul>	
Heat Category	WBGT Index, F°	Easy Work		Moderate Work		Hard Work	
		Work/Rest (min)	Water Intake (qt/hr)	Work/Rest (min)	Water Intake (qt/hr)	Work/Rest (min)	Water Intake (qt/hr)
1	78° - 81.9°	NL	½	NL	¾	40/20 min	¾
2 (GREEN)	82° - 84.9°	NL	¾	50/10 min	¾	30/30 min	1
3 (YELLOW)	85° - 87.9°	NL	¾	40/20 min	¾	30/30 min	1
4 (RED)	88° - 89.9°	NL	¾	30/30 min	¾	20/40 min	1
5 (BLACK)	> 90°	50/10 min	1	20/40 min	1	10/50 min	1

For additional copies, contact: U.S. Army Center for Health Promotion and Preventive Medicine Health Information Operations Division at (800) 222-9698 or CHPPM - Health Information Operations@apg.army.mil. For electronic versions, see <http://chppm-www.apgea.army.mil/heat>. Local reproduction is authorized. June 2004



CP-033-0404

## Section 16: Use of County Vehicles and Motor Vehicle Records

At various times an employee's position may require travel. When the use of a vehicle is required, County policy and the availability of a County pool 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. If use of a personal vehicle is authorized, the employee will receive mileage reimbursement at the current effective rate in compliance with the Travel Policies contained herein.
- Employees must have a valid N.C. driver's license and are subject to a review of their Motor Vehicle Record (MVR) at least annually. Driving without a valid N.C. driver's

license will be considered misconduct and the employee may be recommended for dismissal.

- 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 that meet the IRS standards.
- Employees are responsible for ensuring safe operation by notifying their Department Director or authorized designee(s) regarding maintenance and, when required, inspection of the County vehicle.
- County vehicles are not to be used for personal use, such as running errands, lunch, grocery store, pharmacy, etc. The only exception to this policy is when the employee is outside of Yadkinville at trainings, meetings, or classes and the employee has no choice but to use the County vehicle.
- It is the responsibility of the employee to report any accidents/incidents while driving the county vehicle to their Supervisor immediately.
- If an employee receives a traffic violation while operating a County Vehicle, it is the responsibility of the employee to pay for the citation, not the County.
- All County Vehicles have electronic monitoring systems and information can be pulled from the GPS at any time.
- Any changes to an Employee's driving privileges should be reported immediately to their Supervisor or Department Director.

All employees who operate a vehicle in the course of their employment duties shall meet the following MVR standards and shall inform their Supervisor if they become in violation of these standards. The Supervisor shall inform Human Resources and the County Manager within twenty-four (24) hours of any change.

Drivers shall maintain a MVR that:

- Does not contain a conviction of DWI or reckless driving violation within the past three (3) years.
- Lists no more than any combination of two (2) moving violations or at-fault accidents within the past three (3) years.

A third moving violation, additional at-fault accident, or DWI conviction may result in the loss of ability to operate a County vehicle, suspension, or termination of employment. The same would apply to any reckless use or an at-fault accident while driving on County business. It is the employee's responsibility to immediately report any accidents while driving on County business to their Supervisor.

### ***Section 17: Information Technology Policy***

The County has a separate Information Technology & Security Policy that covers the use of all technology resources owned, leased, used, managed, or operated by the County. This policy applies to all users of County technology resources and applies at all times and all places,



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whether the user is on or off the job site. All users of County provided technology shall comply with the Information Technology & Security Policy.

### ***Section 18: Travel Policy***

The purpose of this policy is to establish guidelines for authorization of travel by County employees and certain non-County employees for the purposes of conducting County business, and to establish procedures for payment of the cost of authorized travel. This travel policy is designed to comply with IRS regulations so that all reimbursements will be non-taxable payments.

#### **Applicability**

All County employees are subject to these procedures, which supersedes all previous travel procedures. The County Manager and Finance Officer have the authority to make exceptions to these procedures for employees. Department Director exceptions are required to be approved by the County Manager or authorized designee(s).

The County Manager is authorized to approve reimbursement of transportation and lodging of prospective professional employees visiting the County for employment interviews.

#### **General**

The procedure of the County is to reimburse employees for all reasonable expenses incurred as a result of travel for authorized County business. These expenses are excludable from taxable wages as long as the travel is temporary and substantially longer than an ordinary day's work, requiring an overnight stay. Employees are eligible for an overnight stay if the destination is greater than sixty (60) miles from Yadkinville and requires the employee to leave prior to seven a.m. (7:00 a.m.) and return after seven p.m. (7:00 p.m.).

Travel expense reimbursements include:

- Costs of travel to and from the business destination.
- Transportation costs while at the business destination.
- Lodging, meals, and incidental expenses.
- Cleaning, laundry, and other miscellaneous expenses.

All travel is contingent upon the availability of budgeted funds in each department. All out-of-state travel requires prior approval of the Department Director and the County Manager. All out-of-state travel by Department Directors requires approval of the County Manager.

The County provides the use of procurement cards as requested by Department Directors to pay for all authorized and allowable travel expenses **except meals and fuel**. This will reduce the need for employees in overnight travel status to use their own funds. Employees will be reimbursed a Meals and Incidental Expenses (M & IE) per diem that is set at the current federal rates and will vary depending on the destination. Lodging rates include only the cost of the lodging itself (room tax and energy surcharges are excluded) and will also be set at the current federal rates.

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The only exception to the lodging rates is when the conference/training is held at a hotel that has discounted their rates for the conference.

Federal rates may be obtained from the U.S. General Services Administration (GSA) website at [www.GSA.gov](http://www.GSA.gov).

The per diem allowance covers meals and incidental expenses. Incidental expenses are defined in the federal travel regulations as “fees and tips given to porters, baggage carriers, bellhops, hotel maids, stewards or stewardesses, transportation between places of lodging or business, and mailing costs associated with travel”.

Employees shall complete an Expense Report when the trip is completed and attach the conference/training agenda, registration receipt if paid by the employee, and mileage directions from either MapQuest or Google Maps if claiming mileage reimbursement.

Expense Reports shall be completed within thirty (30) days of travel completion to be reimbursed. The Finance Officer has the authority to approve exceptions during the same fiscal year.

### **Registration**

The County allows for registration fees to be paid at the actual amount shown by a valid receipt or invoice. They may be paid directly by the department, paid by the employee on the procurement card, or paid by the employee and then reimbursed. These fees are charged to a training line item. Charges resulting from the cancellation of conference registration shall be the County’s obligation if the employee’s registration has been approved in advance and the cancellation or change is made at the direction of and for the convenience of the County. If the cancellation or change is made for the personal benefit of the employee, it shall be the employee’s obligation to reimburse the County for registration fees paid. However, in the event of accidents, serious illness or death within the employee’s immediate family, or other critical circumstances beyond the employee’s control, the employee is not expected to reimburse the County.

### **Meals**

Employees will be provided a per diem allowance for meals and incidentals for both in-state and out-of-state **overnight** travel that is set at the current federal Meals and Incidental Expenses (M & IE) rates, which vary depending on the destination of the traveler. Cities not listed in the federal per diem rates are considered low cost and will be paid at the lowest rate. This amount will be reduced to seventy-five percent (75%) on the first and last day of travel. Per diem rates may be obtained online at [www.gsa.gov](http://www.gsa.gov). The GSA website lists the detail for all meals for this calculation. The chart below contains the current rates by area of destination. Please verify rates with GSA website as they are updated annually. (For an overview of the regulations, see the Regulations tab, Section 301 rules. From the [gsa.gov](http://gsa.gov) website, select “Travel”, then select “Federal Travel Regulations”, then select “Chapter 301-Temp Duty (TDY) Allowances”).

**Employees will not be reimbursed for meals for day trips not requiring an overnight stay.**

The chart below shows the Meals & Incidental Expense breakdown, which are updated annually. The total amount of deductions made will not cause you to receive less than the amount allowed for incidental expenses. If a meal is furnished while attending a conference then the per diem rates for that meal must be adjusted (or deducted) for a meal(s). For example: if you are attending a conference in Raleigh and your daily per diem rate is seventy-four dollars per day (\$74/day) for M & IE and lunch is provided, you must deduct twenty dollars (\$20) for the lunch that was provided based on the rate below and a one hundred percent (100%) reimbursable day. Twenty-five percent (25%) would need to be deducted for first and last day of travel, or the per diem reduced to seventy-five percent (75%) of the daily amount.

<b>Total M &amp; IE standard rate effective October 1, 2024</b>	<b>\$74</b>
Breakfast	<b>18</b>
Lunch	<b>20</b>
Dinner	<b>31</b>
Incidentals	<b>5</b>

Reimbursements for meal expenses directly related to and necessary for attending business meetings will be made using the actual expense method. These meetings must be required and business conducted during the meal. Meals while attending training or meetings out of County for a partial day will not be reimbursed.

If the employee prefers to travel to a conference site and spend the night prior to the conference starting then the following rule applies: If the first day of travel and class time is greater than twelve (12) hours, then the employee would be eligible to drive up the day prior to the course beginning the next morning. This day would be considered the employees first day of travel at the seventy-five percent (75%) M & IE Rate. In general, the first day that the employee is required by the employer to travel (as opposed to the employee's personal choice) is the first day of travel for purposes of the per diem start. This must be approved by the Department Director, Human Resources, and the Finance Officer prior to making hotel reservations. If an employee prefers to travel prior to the conference/training commencing and the rule does not apply, the employee may choose to travel early at their own expense.

Employees who are required to work overtime in emergency situations will be reimbursed or provided meals. For example, meals may be provided during Emergency Operations Center activations or utilities emergencies when they extend beyond normal operating hours.

### **Mileage Reimbursement**

Normal daily travel does not require advance written approval of the Supervisor. However, the Department Director or Supervisor should be advised of travel plans and give verbal approval of the plans. Failure to notify the Department Director or Supervisor of travel plans may result in

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the employee receiving no reimbursement for travel costs. The employee may use their personal vehicle for travel if no County vehicle is available.

The Department Director is responsible for ensuring adequate funds are available to reimburse all travel costs and that employees understand their authority to incur daily mileage or other travel costs.

All reimbursement requests shall be submitted bi-weekly with payroll or at least monthly. Each department shall establish its own internal business processes.

The County reimburses mileage expenses at the IRS standard mileage rate. The Finance Officer is allowed to make periodic adjustments for auto mileage rates in accordance with current IRS regulations. The IRS approved rate may change on a calendar year basis and generally becomes effective January 1 of each year. Traffic tickets and optional valet parking are not reimbursable. Normal parking charges are reimbursable. Parking receipts or an explanation of why there is no receipt should be attached to the reimbursement request.

**In order for mileage to be reimbursed, it must be substantiated with enough detail that the mileage claimed can be verified. All mileage reimbursements must include a printout of mileage from one (1) of two (2) sources, either [www.mapquest.com](http://www.mapquest.com) or [www.maps.google.com](http://www.maps.google.com). Please attach the printout to the mileage reimbursement sheet prior to getting it approved for payment.**

To the extent possible, trips should be planned out in advance so that mileage is minimized. Furthermore, employees attending the same event must arrange carpools whenever possible. In the event of carpooling to an event, only one (1) reimbursement for mileage will occur. Any exceptions must be approved by the County Manager.

Employees submitting mileage reimbursement requests during a time period when the standard mileage rate has changed must submit mileage for the different rates on separate forms.

Permission to use a personal vehicle in lieu of public transportation (airline) must have prior approval from the Department Director and the County Manager. The reimbursement of personal vehicle expenses will be provided to the extent that the costs of personal vehicle and related travel expenses do not exceed the cost of coach class airfare plus related travel expenses. A quote of comparable rates must be obtained and submitted with the Travel Expense Report.

If an employee chooses to drive their personal vehicle when a County vehicle is available for the same dates of travel they will be reimbursed at one-half (.5) of the IRS mileage rate.

Board of Commissioner members are not reimbursed mileage when traveling between their home residence and work site for Board meetings unless approved by the County Manager.

Transportation expenses between an employee's home and their regular place of work is personal commuting expenses and not eligible for mileage reimbursement. If an employee is

required to travel from their regular place of work to client/job sites during the day, that travel is eligible for mileage reimbursement.

### **County Office is Principal Place of Business**

Scenario	Eligible for Mileage Reimbursement?
Home to office or first work site	No
Office or last work site to home	No
First work site to subsequent work sites	Yes
Employee called back to work after regular working hours	No
Employee called into work on the weekend	No

The above rules apply to travel in the area in which you live and normally work. Certain expenses not reimbursed under this procedure may be tax deductible to you. Please consult a tax advisor if you have questions.

### **Overnight Travel**

The County will pay costs incurred while in overnight travel status for the purpose of conducting County business authorized by the Department Director or authorized designee(s). An employee is considered in overnight travel status as opposed to commuting status when they travel over sixty (60) miles one (1) way from work site to arrive at the business destination and the travel requires an overnight stay.

If travel can be reasonably completed within workday hours (between seven a.m. (7 a.m.) and seven p.m. (7 p.m.)), an overnight stay is not required.

For example, if the meeting is in the Triangle area at ten a.m. (10 a.m.), it is reasonable that the employee can leave that morning and arrive on time, not requiring an overnight stay for the previous night.

An employee may choose to travel the previous night and may do so at their personal expense.

An employee seeking exception to the overnight travel status rule may request their Department Director ask the Finance Officer, Human Resources, and the County Manager to make an exception to the above procedure. Exceptions are generally not granted just because the employee is required to be on-site at the business location before or after normal working hours.

### **Air Travel**

Tickets for airline travel will be purchased using the procurement cards. Standard coach is required for all air travel. The employee should try to make travel arrangements as early as possible to assist in keeping costs at a minimum. Penalties and charges resulting from the cancellation of airline reservations (or other travel reservations) shall be the County's obligation if the employee's travel has been approved in advance and the cancellation or change is at the direction of and for the convenience of the County. If the cancellation or change is made for the personal benefit of the employee, it shall be the employee's obligation to pay the penalties and charges. However, in the event of accidents, serious illness or death within the employee's

immediate family, or other critical circumstances beyond the employee's control, the County will be obligated to pay the penalties and charges.

### **Lodging**

Employees must choose lodging that has standard single room rates for the particular event when the hotel is reasonably priced in relation to the area and is the negotiated rate. In selecting a hotel, employees should consider cost, security, convenience, and role at the event. If the event is not being held in a facility that offers lodging, employees will be limited to the federal lodging per diem rates for the destination. All lodging at motels/hotels should be charged on the procurement card. It is the employee's responsibility to cancel the reservation in the event of a plan change. The employee should request and record the cancellation number in case of billing disputes. If the employee fails to cancel the reservation, a written explanation for the failure to cancel is required, and must be approved by the Finance Officer and the County Manager for reimbursement of the hotel bill. If the employee chooses to arrive at the location of the training the night before it begins, the County will not pay the lodging expense if it is within sixty (60) miles of Yadkinville.

Federal lodging per diem rates may be obtained online at [www.GSA.gov](http://www.GSA.gov).

When travel is		The allowance is
More than twelve (12) but less than twenty-four (24) hours		Seventy-five percent (75%) of the applicable M & IE rate
Twenty-four (24) hours or more on:	The day of departure	Seventy-five percent (75%) of the applicable M & IE rate
	Full days of travel	One hundred percent (100%) of the applicable M & IE rate
	The last day of travel	Seventy-five percent (75%) of the applicable M & IE rate

### **How to Pay for Travel Expenses**

There will be instances when the employee will incur costs that they will pay for personally; such as taxi fares, bus or shuttle fees, parking charges, etc. These costs will be reimbursed once the employee does an accounting of the travel expenses and obtains Supervisor review and authorization. Receipts should always be obtained.

Every employee will be required to account for all of their trip expenses. The request for reimbursement must be signed by the Department Director or authorized designee(s) and the [www.mapquest.com](http://www.mapquest.com) or [www.google.com](http://www.google.com) mileage map MUST be attached prior to approval.

There may be times when unallowable expenses, such as movies, games, and snacks are incurred on the procurement card during travel. The most common example is charging unallowable items to the hotel bill and using your procurement card to pay the hotel bill. Employees should avoid charging unallowable expenditures to the hotel bill by using other payment methods. If this cannot be avoided then these items should be identified and adjusted



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through the request for reimbursement. If a request for reimbursement is not made, then payment should be repaid with a personal check or cash. Using County funds to purchase beverages with any alcoholic content is not allowed under any circumstances. Finance reserves the right to question any and all charges made and reimbursements requested.

Employees may require access to **internet use** when away on business to conduct their normal work duties. Internet use is an acceptable additional charge only if all other options are unavailable, such as a business center in a hotel which usually provides this service free of charge. Employees should try to exhaust all other options available to avoid additional charges.

### **Required Accounting for Travel Expenses**

At the completion of the trip, employees will make an accounting of trip expenses, whether they are through the procurement card process or they are to be reimbursed. This accounting of trip expenses must be made within thirty (30) days of the completion of the trip. All charges to the procurement card must be supported by receipts as usual. Employees may not request reimbursement for travel expenses paid for with a procurement card.

The IRS requires the County to maintain hotel receipts to properly document an employee in overnight travel status and to differentiate payment from compensation. Receipts are required for **all travel costs except the per diem allowance**. These receipts will be sent to Finance after the employee has properly accounted for the trip.

The Finance Officer is statutorily charged with accountability of taxpayer dollars. However, this accountability is also the responsibility of all County employees. The fiscal integrity and credibility of our organization depends upon the principle that the travel expenditures were incurred for a public purpose. Finance will review travel for reasonableness and public purpose.

### **Responsibilities of Travel Approvers**

If you are approving a travel reimbursement request, whether or not you are the traveling employee's direct Supervisor, you are attesting to the following:

1. That you have reviewed the reimbursement request in its entirety;
2. That the reimbursement request is accurate and mathematically correct; and
3. That the travel is for a County business-related, public purpose.

### **Non-Employee Travel**

Reimbursement of out-of-county travel costs by interns and/or appointed members of Yadkin County Government Advisory Boards and Commissions are allowable, subject to all of the same travel procedures as County employees. The appropriate Department Director must approve their travel in advance, and the same forms are used to request travel approval as well as reimbursement for travel expenses.

A spouse and/or member of the employee's immediate family may accompany the employee to seminars, meetings, and other gatherings at their own expense. The employee is responsible for allocating only their portion of actual costs. The exception would be if an employee took a

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County vehicle. Family members would not be allowed to accompany the employee in a County vehicle due to liability.

### **Cancellations**

In the event of cancelled travel plans, it is the employee's responsibility to pursue all available refunds. The County will reimburse non-refundable costs if the cancellation is the result of a County action, an emergency, or other situation deemed reasonable by the Department Director.

### **Violation of Procedure**

If an elected/appointed official or other employee of the County is authorized funds for travel and violates the written procedures herein, the Finance Officer shall, unless the violation is corrected or satisfactorily explained, report the finding to the County Manager. In the case of the County Manager, the matter will be further referred to the Chairman of the Board of Commissioners.

A requesting party submitting a falsified Expense Report will be subject to disciplinary action and/or criminal prosecution. An authorizing party or Finance Officer who knowingly approves a falsified Expense Report will be subject to disciplinary action. Violations of the County's travel procedures may result in dismissal from County employment.

### **Travel Procedure Example, Utilizing the Lodging, Meals, and Incidentals Breakdown from the GSA website**

Step 1. Employee should review the GSA chart for maximum lodging – M & IE Rates and Per Diem. (This chart is updated annually by the GSA and runs from October 1 - September 30 each year. To get the updated chart go to [www.gsa.gov](http://www.gsa.gov), click on "Per Diem Rates", then click on "the state of NC"). If the city or county is not listed, please see the note above the chart pertaining to what standard rates to use.

Step 2. If the employee is staying overnight at a hotel where the conference is being held, take the lodging rate to calculate the full lodging allowance. If the employee is staying overnight at a hotel where the conference is not held, then the chart will be used for calculations and reimbursement.

Step 3. If a meal is provided during the conference, be it breakfast, lunch, or dinner, the employee must deduct the proper amount for what is being provided with the conference.

The maximum per diem for the first and last day of travel is seventy-five percent (75%) of the total allocation.

### ***Section 19: 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 on the County's Secondary Employment form and provided to the employee's Supervisor. The Department Director and 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.



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When an employee is performing their County job duties, it is expected that they will provide one hundred percent (100%) of their attention to those duties and not those for secondary employment.

An employee may not engage in any work for a contractor who performs work for the County.

Certifications for Family Medical Leave or Workers' Compensation will also apply to employees engaging in secondary employment. Any employee who is absent from work under either of these types of leave and is performing same duties at a secondary employment will be subject to disciplinary action, up to and including dismissal.

### ***Section 20: Children in the Workplace***

Yadkin County recognizes the challenges employees face in balancing professional and personal responsibilities. At the same time, the County must maintain a safe and professional environment that efficiently carries out the people's business. The presence of children in the workplace creates the risk of harm to the children, the potential for liability to the County, and decreased employee productivity due to distractions and disruptions. Therefore, children are generally not allowed in the workplace. Employees who are responsible for the care of children are expected to arrange childcare away from the work site. The workplace should not be used in lieu of childcare.

The County understands there are *rare* emergencies when a child must accompany the employee to work for a short period of time. In such instances, the employee must obtain prior approval from their immediate Supervisor, Department Director, or the County Manager to have the child accompany the employee while working. Factors the Supervisor, Department Director, or County Manager may consider in reviewing the employee's request include, but are not limited to - the age of the child, how long the child needs to be present, the work environment in the employee's area, any possible disruption to the employee's and co-workers' work, and any prior instances when the employee brought a child to work (e.g., such that the employee bringing a child to work is not a *rare* event). A child with an illness cannot come to work with the employee under any circumstances.

If approval is granted, the child will be the responsibility of the employee and must be accompanied by and under the direct supervision of the employee at all times. If the child becomes disruptive or if the safety or supervision of the child is placed at risk, the County reserves the right to require the employee to remove the child from the workplace and/or to find alternative arrangements for the child. When an employee is given permission to bring a child to work, the employee should make every reasonable effort to minimize the amount of time that the child is at work.

Supervisors are encouraged to accommodate employees as much as possible in scheduling sick and vacation leave in order to provide or arrange for child care, in accordance with the County's leave policies and applicable law. In addition, eligible employees are encouraged, when necessary, to use their Family Medical Leave Act (FMLA) leave benefits for qualifying circumstances. For scheduling FMLA leave, the employee should refer to the County's FMLA policy and contact their Supervisor for additional information.

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The County accepts no liability for the actions or safety of children on its premises; the employee assumes all such liability and responsibility.

This policy is not intended to prohibit children or other minors and family members from being in the workplace during County-sponsored events or other County-approved programs. In addition, this policy is not intended to prohibit older children from performing work or community service for the County, consistent with applicable laws.

### ***Section 21: Animals in the Workplace***

Animals or pets, other than service animals, are not permitted in the workplace, even if the workplace is outdoors.

### ***Section 22: Telework***

This section applies to employee work at home arrangements for a specific, limited period of time. Working at home is not an employee right or benefit, and may be discontinued by Yadkin County for any business reason, at any time. Employees will only be permitted to work at home at the discretion of the County Manager.

### ***Section 23: Attendance, Absenteeism, and 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 (ten (10) minutes or greater) 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) by personal telephone call at least thirty (30) minutes **prior** to 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 Director to let them know of their expected tardiness or absence in case the Department Director is not present.

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

### ***Section 24: Hours Worked***

Hours worked includes any time an employee is required to be on duty, on the employer's premises, at a designated workplace for the employer, and all times where the employee is 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. Time spent outside the employee's regular work period is work time if the employee's attendance is required by the Department or the County. Furthermore, no employer may unjustly benefit from work performed without their knowledge. Employees working overtime or outside the normal work period must obtain prior approval of the Supervisor, Department Director or the County Manager, in compliance with those sections of this Personnel Policy. Employees who do not obtain prior approval may be subject to disciplinary action, up to and including dismissal.

There may be times when employees will have to work at the Emergency Operation Center or other locations during Incident Command. These hours should be reported as hours worked.

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### **Section 25: Meals**

A bona fide meal period is not counted as hours worked or as time paid. Such a period consists of up to sixty (60) minutes and no less than thirty (30) minutes during which the employee is completely relieved of their 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 period. Lunch periods shall be taken no earlier than eleven a.m. (11:00 a.m.) and conclude no later than three p.m. (3:00 p.m.). Meals may not be skipped to allow an employee to come-in late or leave early.

The Fair Labor Standards Act does not require employers to provide breaks.

### **Section 26: 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 they work 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 (1) city is given a special one (1) 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 their 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 workday. Further, when the employee's special one (1) day assignment extends above and beyond the normal working hours, those hours are counted as hours worked. This is true whether the employee drives themselves 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 their 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 five p.m. (5:00 p.m.), but is required to go to another job which is finished at seven p.m. (7:00 p.m.), and then is required to return to the employer's premises at eight p.m. (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 seven p.m. (7:00 p.m.) is home-to-work travel and is not counted as hours worked.

- **Overnight Travel**

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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.

### ***Section 27: Workweek***

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

The official work period for all County employees begins on Saturday and ends on Friday. The workweek, once established, may not be changed unless the change is intended to be permanent.

### **Recording of Time Worked**

County employees are required to keep an employee time record. This record must be an accurate record of all hours worked, including overtime. Submit the time record to your Supervisor by the designated due date (which may vary depending upon department structure, work schedule, and holidays) every two (2) weeks (bi-weekly) in order to be paid.

The accuracy of the time record is important. Anyone who intentionally makes a false time report is subject to disciplinary action, up to and including dismissal and possible criminal charges.

If an employee determines that they need to work after hours and may incur overtime, they MUST obtain prior approval from the Supervisor, Department Director or authorized designee(s).

## **Article VI: Leaves of Absence**

### ***Section 1: Holidays***

Yadkin County observes the same holiday schedule as the State of North Carolina.

Effective January 1, 2025, Yadkin County regular, full-time employees and regular, part-time employees may take one additional floating holiday/personal leave day (8 hours) at the employee's discretion per calendar year.

This additional day must be scheduled in advance by the employee and will not accumulate if not taken within the calendar year.

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

### **Work on Holidays and Other Types of Leave**

Regular holidays which occur during a vacation, sick leave, or other paid leave period of any officer or employee of the County shall not be charged as vacation, sick leave, 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**

Non-exempt employees required to perform work on regularly scheduled holidays will be paid eight (8) holiday hours at their normal hourly rate in addition to compensation for hours actually worked during the pay period in which the holiday occurs. The employee must have actually worked over forty (40) hours that week to receive compensatory time at one and one-half (1.5) times, otherwise it will be paid at straight time.

Holiday time will not be accumulated under any circumstances.

### **Holiday -- New Employee**

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

## ***Section 2: Vacation Leave***

Vacation leave shall be used for rest and relaxation and for sick leave when sick leave is exhausted. Vacation leave shall be taken in thirty (30) minute increments and with Supervisor approval. Approval is dependent upon adequate staff coverage to maintain departmental operations. No more than two (2) workweeks of vacation leave may be used in a season without County Manager approval. These weeks of vacation leave are inclusive of holidays and do not have to be consecutive.

For purposes of vacation leave, a season shall be defined according to the following table:

Season	Months Included
Spring	March, April, May
Summer	June, July, August
Fall	September, October, November
Winter	December, January, February

### **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:

Years of Aggregate Service	Hours Earned per Month	Hours Earned in One (1) Year
Less than five (5)	Eight (8)	Ninety-Six (96)




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Five (5), but less than ten (10)	Ten (10)	One hundred twenty (120)
Ten (10), but less than fifteen (15)	Twelve (12)	One hundred forty-four (144)
Fifteen (15), but less than twenty (20)	Fourteen (14)	One hundred sixty-eight (168)
Twenty (20), but less than twenty-five (25)	Sixteen (16)	One hundred ninety-two (192)
Twenty-five (25), but less than thirty (30)	Eighteen (18)	Two hundred sixteen (216)
Over thirty (30)	Twenty (20)	Two hundred forty (240)

Employees do not accrue vacation leave while out of work on workers' compensation or leave without pay.

#### **Maximum Accumulation**

Vacation 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 two hundred forty (240) hours. On December 31, any employee with more than two hundred forty (240) hours of accumulated leave shall have the excess accumulation transferred to their sick leave account. Only two hundred forty (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 (1) time.

An employee may transfer vacation hours 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 through the Shared Leave Policy.

#### **Transfer of Vacation Leave**

Regular, full-time employees with previous years of service with another governmental agency may transfer their previous years of service towards accrual of vacation leave at the time of initial employment and without a lapse of governmental service greater than one year. A review of the service with the governmental agency's retirement system is performed when considering the transfer of vacation leave. Years of service with another governmental agency are not transferable if the employee has withdrawn retirement service credit and contributions from the associated retirement system.

#### **Separation of Employment**

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 two hundred forty (240) hours. Any debt incurred by the employee that is owed to the County may be withheld from the employee's vacation payout. For involuntary separation due to failure in performance of duties, personal conduct, or voluntary resignation without notice, accumulated vacation leave payout will be withheld.



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### **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 two hundred forty (240) hours.

### **Conversion to Sick Leave Upon Retirement, effective for Retirements after December 19, 2022**

Upon retirement accumulated vacation leave in excess of two hundred forty (240) hours will be converted to sick leave for creditable service toward retirement.

### ***Section 3: 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 may be used for an employee's personal disability or illness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease when continuing to work might jeopardize the health of others. Sick leave may also be used for illness and well-care in an employee's immediate family (such as spouse, children, mother, and father). Employees on designated FMLA leave will be required to use accumulated and available sick leave to cover some or all of the FMLA leave. 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 who has a single sick leave absence that exceeds twenty-six (26) working hours, or an employee who has one (1) or more sick leave absences that together exceed forty (40) total working hours in any month, must present medical documentation explaining the absence. This documentation must consist of more than a doctor's note stating, without explanation, that the employee is sick or injured and cannot work. Instead, the documentation must be signed or otherwise verified by the employee's medical provider and must explain the nature of the employee's condition, the limitations imposed by that condition on the employee's ability to work, and an estimated date of return. The County may require this information to be provided on a County-designated form. If the employee does not return to work by the estimated date specified in the documentation, the employee must provide comparable updated documentation from their medical provider explaining why the employee cannot return to work on the estimated date and providing an updated estimated date of return.

If the documentation provided by the employee's medical provider indicates that the employee can perform some type of work, even if the employee cannot perform the regular required duties of their position, and the documentation does not indicate that the employee would be contagious or otherwise pose a threat to the health or safety of others, the County may choose to require the employee to come to work and perform alternative work until the employee is able to resume the regular required duties of their position.

An employee's absence from work because of a serious health condition or other qualifying reason covered by the Family Medical Leave Act will be designated as FMLA leave and will count towards the total leave entitlement under the FMLA. Employees on designated FMLA

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leave will be required to use accumulated and available sick leave to cover some or all of the FMLA leave. Please refer to the County's FMLA policy for further information. For absences which qualify for FMLA leave, the medical documentation required from the employee will be governed by the FMLA and the County's FMLA policy.

An employee may transfer accrued, unused sick leave to another employee when the receiving employee does not have adequate leave 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 through the Shared Leave Policy. An employee may not transfer to another employee more than half of their accumulated sick leave.

Sick leave shall be taken in thirty (30) minute increments. Approval is dependent upon adequate staff coverage to maintain departmental operations.

Misuse or abuse of the privilege of sick leave or other willful violation of this policy constitutes unacceptable personal conduct that can warrant immediate termination. Examples of misuse or abuse of sick leave include - an employee taking sick leave in place of vacation leave when the employee is not sick or injured; or the employee misrepresenting to the County that they are sick or injured. The Supervisor or Department Director shall notify the County Manager for further investigation into any possible abuse of this benefit.

### **Staying Home When Sick**

The Centers for Disease Control and Prevention recommends that all employees stay home if they are sick with flu-like systems. Therefore, employees should not come to work with those symptoms or when running a fever greater than one hundred (100) degrees Fahrenheit. Employees may return to work after they are free of fever (one hundred (100) degrees Fahrenheit) or signs of a fever (shills, warm, flushed appearance, or sweating) for at least twenty-four (24) hours. Employees should discuss available leave options with their Supervisor.

### **Accumulation**

Each full-time employee shall accrue eight (8) hours of sick leave per month. An employee does not accrue sick leave while out of work on workers' compensation or leave without pay.

### **Maximum Usage**

Sick leave will be cumulative. Accrued paid sick leave may be taken up to a maximum of ninety-six (96) hours per calendar year. Any sick leave accrued over this amount will be carried over to the following calendar year, but no more than ninety-six (96) hours may be taken in any one (1) calendar year. This limitation on the maximum amount of sick leave that can be taken during a calendar year does not apply to sick leave that is taken concurrently with FMLA leave.

If sick leave is exhausted, vacation leave may be used in its place. Sick leave may not be used prior to accumulation.

Exceptions to this policy may be made by the County Manager.

### **Separation from Employment**

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Employees are not paid for accrued, unused sick leave upon separation from employment for any reason; rather, such benefits are forfeited. If an employee is separated from employment with the County and then later re-employed by the County, upon re-employment the employee will begin with zero (0) accrued sick leave hours and will not have the benefit of any sick leave accrued during the employee's prior employment with the County.

#### **Transfer of Sick Leave**

Regular, full-time employees with previous years of service with another county may transfer their accrued sick leave from the other county at the time of initial employment and without a lapse of governmental service of one (1) year.

#### **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.

#### ***Section 4: Family Medical Leave Act (FMLA)***

In compliance with the FMLA, Yadkin County provides up to twelve (12) weeks of job protected leave to eligible employees (or up to twenty-six (26) weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a twelve (12) month period.

To be eligible for leave under the FMLA, an employee must: (1) work at a County location having fifty (50) or more employees within a seventy-five (75) mile radius; (2) have been employed by the County for at least twelve (12) months prior to any request for leave under the FMLA; (3) have worked at least one thousand two hundred fifty (1,250) hours during the previous twelve (12) months; and (4) be otherwise eligible for leave under the FMLA.

While employees are out of work on FMLA leave and using sick or vacation leave, per the North Carolina Local Government Retirement System, the County and the employee do contribute to the retirement system. For employees on unpaid FMLA leave, per the North Carolina Local Government Retirement System, neither the County nor the employee may contribute to the retirement system. The time out on FMLA leave does not count towards years of service for retirement eligibility.

Employees out on FMLA are expected to apply restrictions to secondary employment. Changes made to the FMLA by the U.S. Department of Labor take precedence over these policies and the County will comply with all changes. For current FMLA standards and regulations, visit [www.dol.gov](http://www.dol.gov).

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

- For the birth of a child and in order to care for that child;
- Placement of child for adoption or foster care and to care for the newly placed child;
- To care for a spouse, child, or parent with a serious health condition;

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- The employee's own serious health condition as described below;
  - The existence of any qualifying exigency (as defined by the U.S. Department of Labor's regulations and described below) arising out of the fact that the spouse, child, or parent of an employee is on covered active duty (requires deployment to a foreign country) in the National Guard or Reserves, or a retired member of the Regular Armed Forces;
  - To care for a spouse, child, parent, or nearest blood relative of a covered service member as described below.

For purposes of this policy, a serious health condition means an injury, illness, impairment, or physical or mental condition that involves any of the following:

- Inpatient care in a hospital, nursing home, or hospice, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care; or
- Outpatient care that requires continuing treatment or supervision by a health care provider for:
  - a period of incapacity of more than three (3) consecutive calendar days that also involves treatment two (2) or more times by a health care provider; or treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment;
  - any period of incapacity due to pregnancy or for prenatal care;
  - a chronic condition which requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause a periodic rather than a continuing period of incapacity;
  - a period of incapacity which is permanent or long term due to a condition for which treatment may not be effective (the employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider); or
  - any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.

For purposes of this policy, a qualifying exigency shall include the following:

- Short-term notice deployment of seven (7) or fewer days (up to seven (7) days);
- Military events and related activities;
- Childcare and school activities;
- Financial and legal arrangements;
- Counseling for oneself, for the covered service member, or for a child of the covered service member;

- Rest and recuperation (up to fifteen (15) days per leave);
- Post-deployment activities;
- Parental care leave;
- Additional activities agreed upon by the County.

**Covered Service Member Leave:** With respect to care for a covered service member leave only, an eligible employee may take up to a total of twenty-six (26) workweeks of leave during the applicable twelve (12) month period to care for the covered service member. If an eligible employee qualifies in the applicable twelve (12) month period for leave to care for a covered service member and leave for one (1) of the other qualifying purposes described above, that employee shall be entitled to a combined total of twenty-six (26) workweeks of leave. The leave described in this paragraph shall only be available during a single twelve (12) month period. The following definitions apply for purposes of this paragraph only:

- A covered service member is defined as “a service member or veteran of the Armed Forces, including a member of the National Guard or Reserves or a Veteran, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness”. A covered veteran is “an individual who was discharged or released under conditions other than dishonorable at any time during the five (5) periods prior to the first date the eligible employee takes FMLA leave to care for the covered veteran”.
- The term outpatient status, with respect to a covered service member, is defined as “the status of a service member of the Armed Forces assigned to: (i) a military medical treatment facility as an outpatient; or (ii) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients”.
- The term serious injury or illness is defined as “an injury or illness incurred by the service member in the line of active duty (as defined by the applicable regulations) in the Armed Forces that may render the service member medically unfit to perform the duties of the service member’s office, grade, rank, or rating or injuries or illnesses that existed before the beginning of the member’s active duty and were aggravated by service in the line of duty on active duty in the Armed Forces”.

**Rolling Twelve (12) Month Period:** The twelve (12) month period for determining leave entitlement will be a rolling twelve (12) month period. The twelve (12) months immediately preceding the current leave request will determine the entitlement. Eligible employees are entitled to twelve (12) weeks of unpaid FMLA leave (or up to twenty-six (26) weeks in the case of covered service member leave as discussed above) less any leave used for a qualifying FMLA purpose during the preceding twelve (12) months.

**Substitution of Paid Leave Required:** The FMLA provides eligible employees with up to twelve (12) workweeks (or twenty-six (26) workweeks in the case of covered service member leave) of unpaid leave. As in any leave situation, County employees must use all available paid leave time (including compensatory, sick, and vacation time, respectively) before being allowed to use unpaid leave. The employee must comply with the County’s paid leave policies in order



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to receive payment. However, failure of the employee to comply with the County's paid leave policies will not affect the employee's ability to take unpaid FMLA leave. If the available paid leave is not sufficient to cover the FMLA leave requested, the remaining FMLA leave is unpaid leave. Any paid leave used for a FMLA-qualifying reason will be charged against the eligible employee's FMLA leave. The substitution of paid leave for unpaid leave does not extend the twelve (12) or twenty-six (26) week FMLA leave period. Disability leave will run concurrently with any FMLA leave.

**Scheduling and Documentation:** The employee shall provide thirty (30) days advance notice when leave is foreseeable. Otherwise, notice should be given as soon as possible. In situations involving leave for a planned medical condition, the employee should make every reasonable effort to schedule medical treatment so that it does not disrupt the County's operations before a leave will be considered.

In the case of leave arising out of the fact that the spouse, child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the support of a contingency operation, the employee shall provide such notice to the County as is reasonable and practical.

Generally, within five (5) days of the start of the requested leave, the County will provide the employee notice as to whether the employee is eligible for FMLA leave as well as a "Rights and Responsibilities" notice detailing the employee's obligations and consequences of failing to comply with the County's leave requirements ("Eligibility Notice"). The County will then require the employee to complete a FMLA Leave Request form.

When the County has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification in a form to be provided by the County), the County will notify the employee whether the leave will be designated and counted as FMLA leave, generally within five (5) business days, absent extenuating circumstances ("Designation Notice"). If the County determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by the FMLA, the FMLA leave entitlement has been exhausted, or the employee has provided insufficient information), the County will notify the employee of that determination.

When leave is taken to care for a family member (or nearest blood relative in the case of covered service member leave) and questions arise as to the legitimacy of the familial status, the County may require the employee to provide documentation or a statement of family relationship. In addition, an employee may be required to submit medical certification from a health care provider to support a request for FMLA leave for the employee's (or family member's or, in the case of covered service member leave, nearest blood relative's) serious health condition. With respect to military exigency leave, the County may require that the employee provide a copy of the active duty orders or other reasonable documentation. If the employee requests covered service member leave, the employee may be required to provide a special certification from an authorized healthcare provider.



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If the County determines that the certification is incomplete or insufficient, the County will request additional information from the employee in writing and typically allow the employee seven (7) days to provide the requested information. If the employee fails to provide the necessary information within that time frame, leave may be delayed.

If the County has reason to doubt the employee's initial certification, the County may:

- (i) With the employee's permission, have a designated health care provider or County representative (who is not the employee's direct Supervisor) contact the employee's healthcare provider in an effort to clarify or authenticate the initial certification; and/or
- (ii) Require the employee to obtain a second opinion by an independent County-designated provider at the County's expense. If the initial and second certifications differ, the County may at its expense require the employee to obtain a third final and binding certification from a health care provider jointly selected by the employee and the County. The employee may be requested to authorize the release of relevant background medical information as part of the clarification process.

During FMLA leave, the County may request that the employee provide recertification at intervals in accordance with the FMLA. In addition, during FMLA leave, the employee must provide the County with periodic reports regarding the employee's status and intent to return to work. If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the County with reasonable notice (i.e., within two (2) business days) of the employee's changed circumstances and new return to work date. In such cases, the County may require the employee to provide medical certification of the employee's (or family member's or, in the case of covered service member leave, nearest blood relative's) serious injury or illness. If the employee gives the County notice of the employee's intent not to return to work, the employee will be considered to have voluntarily resigned.

Before the employee returns to work from FMLA leave for the employee's own serious health condition, the employee may be required to submit a fitness for duty certification from the employee's health care provider, with respect to the condition for which the leave was taken, stating that the employee is able to resume work. With respect to non-intermittent leave, the County reserves the right to delay reinstatement until the employee submits the required fitness for duty certification if the required certification has not been submitted by that time.

FMLA leave or return to work may be delayed or denied if the appropriate certifications and documentation is not provided in a timely manner.

**Benefits:** The FMLA 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 paid leave is substituted for unpaid FMLA leave, the employee's share of premiums must be paid by the method normally used during any paid leave by payroll deduction.

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While employees are out of work on unpaid FMLA, per the North Carolina Local Government Retirement System, neither the County nor the employee may contribute to the retirement system. The time out on unpaid FMLA does not count towards years of service for retirement eligibility.

Employees are still responsible for payment of all personal premiums that are deducted from their pay checks, such as dental, vision, disability, term life, etc. If the employee is on leave without pay status, they must forward payment for these premiums no later than the first day of each month while on leave. If payment is not received by the first of the month, the supplemental premiums will be withdrawn from payroll deduction and the employee must pay the provider directly.

Paid FMLA leave requires employees to use compensatory time, accrued sick leave, and/or accrued vacation leave, respectively.

**Return from FMLA Leave:** Generally, upon return from FMLA leave, the County will place eligible employees in the same position the employee held before the leave or an equivalent position with equivalent pay, benefits, and other employment terms. An eligible employee is entitled to reinstatement only if they would have continued to be employed had FMLA leave not been taken. Thus, an employee is not entitled to reinstatement if, because of a layoff, reduction in force, or other reason, the employee would not be employed at the time job restoration is sought. The County reserves the right to deny reinstatement to certain highly compensated employees who are considered key employees if such denial is necessary to prevent substantial and grievous economic injury to the County's operations and in accordance with all applicable regulations. If an employee fails to return to work following the conclusion of FMLA leave without notifying the County in advance, the employee will be considered to have voluntarily resigned.

### ***Section 5: Leave without Pay***

The employee shall apply in writing to the County Manager for leave. A full-time or part-time employee may be granted leave without pay for: an absence period of FMLA, Workers Compensation, or other reason as approved by the County Manager after compensatory, vacation, and sick leave, as appropriate, have been exhausted; parental leave; educational purposes to better equip the employee for the performance of their 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 (1) voluntary enlistment not to exceed four (4) years; special work assignment to the state or federal levels of government; or for other reasons deemed justified by the appointing authority.

If an employee requests leave without pay for vacation purposes when accumulated vacation time has been exhausted, the employee must obtain written approval from the immediate Supervisor and County Manager. Poor management of accrued leave is not an acceptable reason for leave without pay. If the employee is denied the requested time off and fails to come to work during their scheduled work hours, the Department Director and/or County Manager has the right to dismiss the employee for insubordination and dereliction of duties.

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Leave without pay, except military leave, shall not exceed twelve (12) months unless the appointing authority requests an extension and the County Manager, and in some instances the Board of Commissioners, approve it.

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.

While employees are out of work on leave without pay, per the North Carolina Local Government Retirement System, neither the County nor the employee may contribute to the retirement system. The time out on leave without pay does not count towards years of service for retirement eligibility.

Employees are still responsible for payment of all personal premiums that are normally deducted from their pay checks, such as dental, vision, disability, term life, etc. If the employee is on leave without pay status, they must forward payment for these premiums no later than the first day of each month while on leave without pay. If payment is not received by the first of the month, the supplemental premiums will be withdrawn from payroll deduction and the employee must pay the provider directly.

**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.**

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The calculation of salary for any pay period under which leave without pay 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 thirty (30) minute increments.

### ***Section 6: Workers' Compensation Leave***

An employee must report a job-related injury to the Supervisor immediately or as soon as possible, regardless of the severity. The Employee Incident Report form shall be completed. The Supervisor is responsible for investigating the incident and forwarding all pertinent documentation to Human Resources as soon as possible. Employees with minor injuries will go to the Employee Wellness Clinic when open and to other approved providers when closed. Employees with emergency incidents will go to a hospital best suited for that incident.

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may receive workers' compensation benefits. The Workers' Compensation Act requires a disability of seven (7) calendar days before workers' compensation benefits begin. The employee will be paid directly from the workers' compensation insurance agency.

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When an employee returns to work under specific restrictions they may be placed on light duty and the department may be required to provide modified duties for the employee. If the accommodations cannot be met within that department, the Supervisor or Department Director shall notify Human Resources to locate another department where the accommodations may be met. The light duty accommodation lasts until the employee is released by the doctor or the restrictions become permanent. If restrictions become permanent and the employee cannot perform their job duties, the employee may be transferred into a vacant position anywhere within the County where they meet the qualifications and can perform the job duties. If there are no vacant positions available that the employee qualifies for and could perform the job duties they will be released from employment with the County after ninety (90) days.

Due to the need to provide services to county citizens and keep positions filled to provide those services, employees out of work on workers' compensation for a period longer than ninety (90) days will be released from employment with the County after ninety (90) days. Employees shall maintain contact with the County in the event they are released from workers' compensation and authorized to return to work. In this event, the County shall reinstate the employee into a vacant position where they meet the qualifications and can perform the job duties.

An employee who is compensated through workers' compensation may not use accumulated vacation, sick leave, or compensatory time to supplement the difference between their regular salary and payments received under the Workers' Compensation Act. Employees are required to take Family Medical Leave (FML) while on workers' compensation, but are not required to utilize sick and/or vacation time while on workers' compensation as they are when on leave under the regular FMLA. An employee who is at work while on workers' compensation is not required to use vacation, sick leave, or compensatory time for medical appointments under a workers' compensation claim. 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 workers' compensation.

The employee must communicate with their Supervisor and Human Resources to advise them of their status immediately. Doctor's notes are required, indicating all specific limitations and/or restrictions, including the employee's status of returning to work with or without restrictions.

While employees are out of work on workers' compensation, per the North Carolina Local Government Retirement System, neither the County nor the employee may contribute to the retirement system. The time out on workers' compensation does not count towards years of service for retirement eligibility.

Employees are still responsible for payment of all personal premiums that are deducted from their pay checks, such as dental, vision, disability, term life, etc. If the employee is on leave without pay status, they must forward payment for these premiums no later than the first day of each month while on leave. If payment is not received by the first of the month, the premium will no longer be subject to payroll deductions and the employee will be responsible for payment directly to the vendor.

Employees out on Workers' Comp are expected to apply restrictions to secondary employment.

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### ***Section 7: Military Leave***

The following military leave policy is retroactive to October 1, 2024.

Unpaid leaves of absence will be granted to employees who serve our country through military service, as provided for by law. An employee who intends to enter military service and/or take a military leave must notify their Department Director immediately.

Upon discharge from military service, an employee seeking reinstatement must notify their Department Director within the time period set by applicable law, and make certain the County understands that he or she is returning from active military duty.

All regular and new hire employees are eligible for military pay.

Employees in the military reserve are granted up to 15 days (120 hours) of leave with supplemental pay for qualifying reserve or active duty. Employees will accrue vacation/sick leave while receiving this military leave and will not incur any break in service for longevity.

When the active duty pay is less than what the employee would have received while working with the County, the County will supplement the difference on a bi-weekly basis. Supplemental payments will be calculated using the military pay and the employee's County base pay at the start of military leave.

If employees are called to active military duty as the result of a national emergency, they may be eligible for supplemental pay for a maximum of three (3) months for any military time served beyond the 15 day leave period.

During the military leave, the employee's status will be "leave without pay" and the armed services unit will pay him/her. While on military leave the employee may make arrangements to have a copy of the Defense Finance and Accounting Service Military Leave and Earnings Statement (LES) forwarded to County Human Resources.

If the employee is unable to forward the LES to County Human Resources during the tour of duty, the employee may submit copies when returning from duty. The County will supplement the difference in the first paycheck after receipt of the military pay documents.

### ***Section 8: Civil Leave***

A County employee called for civil duty (i.e. jury duty or as a court witness for the federal or state governments or a subdivision thereof) shall receive civil 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 civil 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 civil duty during regular working hours.



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### ***Section 9: Blood Donation Leave***

Donating blood is important and an employee's Supervisor shall allow up to four (4) hours of time off with pay per year to perform this community service.

### ***Section 10: Funeral Leave***

Employees may request one (1) day or shift of paid leave because of a death in the immediate family. Any additional time off will be charged to accrued sick leave or vacation 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 (1) occurrence, except by special permission from the Department Director.

For purposes of funeral leave, immediate family includes spouse, child, parent, sibling, grandparents, mother-in-law, father-in-law, and any variation thereof.

### ***Section 11: Administrative Leave***

The County Manager, for purposes considered to be in the public interest, in case of civil disturbances, severe weather conditions, internal investigations, or in such other circumstances as good judgment and common practice would dictate, may authorize Administrative Leave with or without pay.

### ***Section 12: 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 Director and with the approval of the County Manager.

An employee on educational leave with pay shall continue to accrue leave and any other benefits to which County employees receive.

### ***Section 13: Parental School Leave with Pay***

N.C.G.S. 95-28.3 requires employers to provide up to four (4) hours leave each year from assigned work time for an eligible employee to attend or otherwise be involved in their child's school. Per the statute, school is defined as "any (i) public school, (ii) private church school, church of religious charter, or nonpublic school described in Parts 1 and 2 of Article 39 of Chapter 115C of the General Statutes of North Carolina that regularly provides a course of grade instruction, (iii) preschool, and (iv) childcare facility as defined by N.C.G.S. 110-86(3)".

**Eligible Employee** – Parent, guardian, or the child's legal representative.

**School** - 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 four (4) hours earned Parental School Leave with pay per year from assigned work time. The four (4) hours do not have to be taken all at once and may be used in fifteen (15) minute increments.



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**Type of Leave** - Parental School Leave with pay and/or if additional time is needed leave may be requested by the eligible employee.

Unless there is an emergency request from the child's school, the employee is expected to request this leave in writing at least forty-eight (48) hours prior to time desired.

The Department Director and the employee must mutually agree upon Parental School Leave time.

#### ***Section 14: Voluntary Shared Leave Program***

There are occurrences brought about by serious and prolonged medical conditions that cause employees to be on FMLA or Workers' Comp and exhaust all available leave and therefore be placed on leave without pay. It is also recognized that fellow employees may wish to voluntarily donate some of their accrued 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. To be eligible for the Voluntary Shared Leave Program, employees must be out on FMLA Leave or Workers' Compensation.

This policy and program will provide the opportunity for an employee to help another on a one-to-one (1-to-1) personal basis. It does not permit "banking" of leave.

#### **Policy**

In the case of a medical condition, an employee may request 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 the 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 an employee to assist another in case of a crisis involving a serious or prolonged medical condition.

The employee making the request must submit the request in writing to their Supervisor, who forwards the request to Human Resources. Human Resources will distribute a global email to all County employees on behalf of the employee requesting shared leave.

Any employee wishing to donate shared leave must complete the Voluntary Shared Leave form and submit it to their Supervisor, who will forward the form through its process.

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

Time that has been donated will revert back to the donor if unused.

An employee on workers' compensation leave who is drawing total disability compensation may be eligible to participate in the Shared Leave program. Use of donated leave would be limited

to the required waiting period and the supplemental leave necessary to maintain the employee's rate of pay at the time of the qualifying injury.

## Article VII: Separation, Discipline and Reinstatement

### Section 1: Separation from Employment

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

- **Resignation or Retirement.** Employees may terminate their employment with the County by submitting a written resignation or request for retirement to the Department Director (or in case of a Department Director to the County Manager). It is expected that an employee will give at least two (2) weeks' (four (4) weeks' for Department Directors, Supervisors, and certified/licensed professionals) notice prior to their last day of work. The Department Director shall provide written correspondence to the employee accepting the resignation or retirement.
- **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, or trainee employees in their first six (6) 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 Director. Such failure may 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 one (1) scheduled workday. 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 one (1) scheduled workday, 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.
- **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 the Department Director, after consultation with Human Resources and the County Manager, cannot grant a leave without pay for reasons deemed sufficient by the department.

- **Separation Due to Unavailability after Ninety (90) Days.** An employee may be separated on the basis of unavailability when the employee remains unavailable for work after ninety (90) days when their FMLA leave expires or when on workers' compensation and not released to full duty and the Department Director, after consultation with Human Resources and the County Manager, cannot grant a leave without pay for reasons deemed sufficient by the department.
- **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 their 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 these policies 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.

## ***Section 2: Furlough***

The County Manager has the authority to furlough employees in the event of reduced revenues during any fiscal year.

## ***Section 3: Termination of Employment***

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 may include payment for accrued vacation leave. Terminated employees shall turn in all County property to their Supervisor or Human Resources on their last day of work, including keys, County-provided uniforms, 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. Any debt incurred by the employee that is owed to the County may be withheld from the employee's final check.

## ***Section 4: 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 Human Resources. The Department Director shall notify Human Resources as quickly as possible when an employee gives notice of termination. If Human Resources has not contacted the employee by their next to the last day of employment, the employee should contact Human Resources 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; and
- Forwarding address.

### ***Section 5: Disciplinary Actions***

The intent of this section is to assist and promote improved employee performance, rather than to punish. This section 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 for performance-related dismissal. 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.

Department Directors and Supervisors are responsible for maintaining the proper conduct and discipline of employees under their supervision.

There are two (2) bases for the discipline or dismissal of employees under the statutory standard of “just cause” as set out in N.C.G.S. 126-35. They are: 1.) discipline imposed on the basis of unsatisfactory job performance, and 2.) unacceptable personal conduct. 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.

1. Unsatisfactory job performance is a work-related performance that fails to satisfactorily meet job requirements as specified in the relevant job description, work plan, or as directed by the Supervisor or Department Director.
2. Unacceptable personal conduct is conduct which no reasonable person should expect to receive a prior warning.

When an employee’s performance or conduct is determined by a Supervisor or Department Director to be unacceptable, disciplinary action may be taken in a number of ways, depending on the nature of the offense. This action may include, in no particular order:

- Counseling;
- Written warning;
- Decision Day with Pay;
- Disciplinary suspension without pay;
- Demotion; and/or
- Dismissal.

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All disciplinary actions shall be documented and placed in the employee's personnel file as maintained by Human Resources.

**Behaviors Which May Result in Disciplinary Action**

The list below contains examples of behaviors, but is not all inclusive.

- Excessive absenteeism and/or tardiness.
- Minor safety violations where serious injury or death is not reasonably expected as a consequence.
- 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.
- Careless, negligent, or intentional improper use of County property or equipment.
- Violation of County policies.
- Misappropriation of County funds or property.
- Misrepresentation of time worked on time sheets.
- Discourteous treatment of the public or other employees, including use of profanity and/or sexual harassment.
- Violation of criminal law (conviction).
- Failure to maintain current valid credentials required in the performance of job duties, including driver's license.
- Fraud in securing employment or other employment documentation.
- Acceptance of gifts in exchange for "favors" or "influence."
- Unauthorized possession or use of firearms or any other lethal weapon while on the job, on County premises, or in any connection with County employment.
- 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.
- Abuse of a client, patient, a person over whom the employee has charge or to whom the employee has a responsibility, or an animal owned by or in custody of the department.

**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. The written warning must:

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- 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;
  - Inform the employee what specific improvements and/or corrections, if applicable, must be made to address these specific issues;
  - Inform the employee of the time frame allowed for making the required improvements and/or corrections. Absent a specified time frame, sixty (60) days is the time frame allowed for correcting unsatisfactory job performance, and immediate correction is required for unacceptable personal conduct;
  - Inform the employee the consequences of failing to make the required improvements and/or corrections.

#### **Decision Day with Pay**

A Supervisor or Department Director may require an employee to take a Decision Day with Pay for the employee to decide upon their level of commitment and willingness to perform their job duties as required. This offer is for one (1) day only and may be offered only once to an employee. The Supervisor or Department Director shall document the Decision Day conference and results in a memorandum, to be placed in the employee's personnel file.

#### **Disciplinary Suspension without Pay**

An employee may be suspended without pay for disciplinary purposes for unsatisfactory job performance or for unacceptable personal conduct. 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.

#### **Demotion**

The Department Director 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 Director shall reduce the salary of the employee accordingly.

- Any employee may be demoted as a disciplinary measure.
- An employee may be demoted for unsatisfactory job performance.
- 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.
- An employee shall receive a decrease in salary due to a demotion to a lower salary grade as determined by the Department Director 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.



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### **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. Written documentation shall be provided to the employee at the time of dismissal, and previous disciplinary actions shall have been taken (and documented) prior to dismissal.

### **Dismissal for Personal Conduct**

Employees may be dismissed for a current incident of unacceptable personal conduct, with written notification provided to the employee.

### ***Section 6: Procedural Requirements***

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

**Counseling** – Any verbal warning or counseling shall be documented, summarized, signed by the employee, and submitted to Human Resources.

**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. The written warning shall be submitted to Human Resources.

**Decision Day with Pay** - To allow an employee one (1) business day to decide upon their commitment and willingness to perform their job duties to the best of their ability and their employment with the County. The employee shall be provided a written summary explaining the performance issues and/or personal conduct issues, as well as the Decision Day purpose and process.

**Disciplinary Suspension without Pay** - To place an employee on disciplinary suspension without pay, the Department Director must comply with the following procedural requirements:

- In matters of unsatisfactory job performance, insure that the employee has received at least one (1) prior, written disciplinary action; or
- In matters of unacceptable personal conduct, no prior disciplinary actions are required so an employee may be suspended without pay for a current incident of unacceptable personal conduct; and
- Furnish the employee a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension.

**Demotion** - To demote an employee, the Department Director must comply with the following procedural requirements:

- In matters of unsatisfactory job performance, ensure that the employee has received at least one (1) prior disciplinary action; or

- In matters of unacceptable personal conduct, there is no requirement for previous disciplinary action so an employee may be demoted for a current incident of unacceptable personal conduct without any prior disciplinary action; and
- Give an employee who is demoted written notice of the specific acts or omissions that are the reasons for the demotion; and
- Advise the employee of how and to what extent the demotion will affect the employee's salary rate or pay grade.

**Dismissal** - Before an employee may be dismissed, a Department Director must comply with the following procedural requirements:

- The Supervisor recommending dismissal shall discuss the recommendation with the Department Director, who then discusses the situation with the County Manager.
- If the decision is made to dismiss the employee, a written letter of dismissal containing the specific reasons for dismissal and the effective date of the dismissal shall be issued to the employee in person or by certified mail, return receipt requested, to the last known address of the employee.
- The Department Director shall also discuss any security, safety, and access issues related to the dismissal with the County Manager.

### ***Section 7: Grievance***

Employees may file a grievance for any disciplinary action with the County Manager.

## **Article VIII: Insurance, Retirement, and Benefits**

### ***Section 1: Employee Benefits***

Regular full-time employees are those who work a minimum of two thousand eighty (2,080) hours per year; regular part-time employees are those who are scheduled work a minimum of one thousand (1,000) hours per year (average twenty (20) hours per week); and non-benefited or seasonal/temporary employees are those who work less than one thousand (1,000) hours per year, within a calendar year. Regular full-time employees are eligible for all benefits and regular part-time employees are eligible for benefits (except longevity) on a prorated basis, including contribution to the Local Government Retirement System.

### ***Section 2: Insurance Benefits***

The County provides individual medical insurance coverage for each regular employee working more than thirty (30) hours per week 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.

### ***Section 3: 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 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.

#### ***Section 4: Retirement Benefits***

Yadkin County is a member of the North Carolina Local Government Retirement System. All employees who are required to work in excess of one thousand (1,000) hours per year must enroll in this program.

Effective for new employees hired after July 1, 2011, County-funded health insurance coverage will be provided to employees who have been a County employee for a minimum of five (5) years qualifying for full retirement (unreduced) as member of the North Carolina Local Governmental Employees' Retirement System or the North Carolina Law Enforcement Retirement System.

Effective for new employees hired after March 1, 2017, County-funded health insurance coverage will be provided to employees who have been a County employee for a minimum of ten (10) years qualifying for full retirement (unreduced) as member of the North Carolina Local Governmental Employees' Retirement System or 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.

If a retiree has included dependents on their health insurance, then when the retiree becomes eligible for Medicare the dependents will be eligible for continued health insurance through the County only to the extent allowed by COBRA.

Retirees are not eligible for dental or other supplemental insurances once retired, as these benefits are available through the North Carolina Local Government Retirement System.

Employees who apply for disability retirement, select Cobra insurance upon separating from employment with the County, and are waiting for approval from the Local Government Retirement System will be eligible for County-funded health insurance if approved for the disability retirement within four (4) months of separation from the County. If their disability retirement is not approved, they will not be eligible for any County-funded benefits.

#### ***Section 5: Longevity Pay***

The Board of Commissioners and the County Manager demonstrate appreciation to full-time (forty (40) hours per week) employees who have completed landmark years of continued service by presenting them with a longevity pay plan (current recipients will be grandfathered in). Longevity pay will be issued annually during the anniversary month of hire.

<b>Years of Service With Yadkin County</b>	<b>Compensation</b>
Five (5)	Two hundred dollars (\$200)
Ten (10)	Four hundred dollars (\$400)

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Fifteen (15)	Six hundred dollars (\$600)
Twenty (20)	Eight hundred dollars (\$800)
Twenty-five (25)	One thousand dollars (\$1,000)
Thirty (30)	One thousand two hundred dollars (\$1,200)
Thirty-five (35)	One thousand five hundred dollars (\$1,500)
Forty (40)	Two thousand dollars (\$2,000)

## **Article IX: Personnel Records**

### ***Section 1: Personnel Records***

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 N.C.G.S. 153A-98, 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 includes, but is not limited to - information relating to an employee's application, selection or non-selection for a vacant position, performance, promotions, demotions, transfers, suspension, other disciplinary actions, evaluation forms, salary, and termination of employment.

### ***Section 2: 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) Terms of any employment contract, whether written or oral;
- (5) Current position, title, and salary (total compensation);
- (6) Date and amount of each increase or decrease in employee's salary (including pay, benefits, incentives, bonuses, deferred and all other forms of compensation);

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- (7) Date and type of employee's most recent promotion, demotion, transfer, suspension, separation, or other change in position classification;
  - (8) Date and general description of the reasons for each promotion;
  - (9) Date and type of each dismissal, suspension, or demotion for disciplinary reasons. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the County setting forth the specific acts or omissions that are the basis of the dismissal; and,
  - (10) Office to which employee is currently assigned.

All information contained in a County employee's personal file will be maintained as confidential in accordance with the requirements of N.C.G.S. 160A-168.

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

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

- Letters of reference solicited prior to employment;
- 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 the employee, may examine the employee's medical record; and
- Employment Application

A County employee having Supervisory authority over another employee may examine all material in that 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 County 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.

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### ***Section 3: 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.

### ***Section 4: Remedies and Objections***

An employee who objects to material in their personnel file may place in the file a statement relating to the material the employee considers 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 (5) 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.



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Adopted the 18th day of November 2024.

\_\_\_\_\_  
Kevin Austin, Chairman

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Date

\_\_\_\_\_  
David Moxley, Vice-Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cliff Collins, Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frank Zachary, Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Marion Welborn, Commissioner

\_\_\_\_\_  
Date