



**PERSONNEL POLICIES
AND
PROCEDURES**

MAY 2015

AMENDED JUNE 15, 2020

ARTICLE I

ORGANIZATION OF PERSONNEL SYSTEM

Section 1. Mission and Purpose:

Lenoir County Government strives to recruit, appoint, train, develop, and retain a workforce of employees with the knowledge, skills, and abilities necessary to fulfill the many responsibilities and functions of local government. Therefore, the Lenoir County Board of Commissioners has adopted personnel policies for the employees of the County as set forth herein.

The purpose of this Personnel Policy is to establish, and maintain a centralized County Human Resources System that will promote fair, equitable, effective and uniform policies that are consistent with generally accepted principles of personnel management and comply with applicable State and Federal laws.

Section 2. Statutory Authority:

This personnel policy is established under the authority of North Carolina General Statutes §153A, Article 5, and § 126.

Section 3. Limitations Disclaimer:

The policies and procedures in this manual are designed to serve as guidelines for employees and management. They are not intended to be comprehensive or to address all possible applications of, or exceptions to the general policies and procedures described herein. This Policy does not create a contract of employment or guarantee any fixed terms and conditions of employment with Lenoir County.

The contents of this Policy may be amended at any time by the Lenoir County Board of Commissioners. Conditions of employment may vary in the Register of Deeds, Sheriff, Cooperative Extension, Health, Tax, Social Services and in the Board of Elections as set forth in N.C. General Statutes 153A, 116, 130A, 105, 108A, 126, 163 and by other applicable laws.

Section 4. Equal Employment Opportunity (EEO) Policy and Procedure:

The County of Lenoir is committed to ensuring all qualified individuals have a full and fair opportunity to compete for hiring and promotion, and to enjoy the benefits of employment with Lenoir County. All employees and applicants shall receive equal consideration and treatment in employment without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, marital status, amnesty, or as a covered veteran in accordance with applicable federal and state laws. Employment opportunities include, but are not limited to, recruitment, testing, selection, transfer, promotion, compensation, benefits, layoff, leave of absence, and training. The Human Resources Director shall review the County's compliance with applicable EEO laws.

Discrimination and harassment against any individual because of an individual's race, color, religion, gender, national origin, ancestry, disability, medical condition, marital status, age (40 years and over), or sexual orientation is prohibited. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation and training.

Retaliation against any person having filed a complaint of discrimination or charge of harassment is prohibited. Employees found to be retaliating against another employee, or otherwise violating this policy, shall be subjected to disciplinary action up to and including termination.

The right of a person to a prompt and equitable resolution of a complaint filed under this procedure shall not be impaired by the person's pursuit of other administrative remedies such as the filing of a complaint with the appropriate federal agency.

Section 5. Coverage:

All employees shall be subject to the policies and procedures as established herein, except those provisions that may be in conflict with any other applicable law, rule or regulation. The following individuals, boards, commissions, and committees are explicitly exempt from coverage by this policy:

- Board of Commissioners
- County Manager
- County Attorney
- Elected Officials
- Volunteers
- Members of: Advisory Boards, Commissions, Special Tasks Force, & Committees

Section 6. Responsibility of the Board of Commissioners:

The Board of Commissioners shall adopt or provide for rules, regulations, or administrative policies relating to personnel and other measures which promote the hiring and retention of employees and shall confirm appointments when so specified by law. The Board of Commissioners shall also approve the Pay and Classification Plan and establish the office hours, workdays, and holidays to be observed by the various offices, departments, boards, commissions and agencies of the County. Personnel policies become effective when adopted by the Board of Commissioners, and may be amended, revised or repealed through the same procedure.

Section 7. Responsibility of the County Manager:

The County Manager shall be responsible to the Board of Commissioners for the administration of the County Human Resources System, including the Lenoir County Personnel Policy. The County Manager shall appoint, suspend and dismiss County officers and employees, except those who are elected by the citizens of Lenoir County or whose appointment is otherwise provided for by law. The County Manager shall be responsible for the above duties and other functions in accordance with Section 153A-82 of the North Carolina General Statutes and all other applicable state and federal laws. The County Manager shall monitor all personnel practices of the County and initiate and recommend revisions of the rules governing personnel administration to the Board of Commissioners. ** Note: When deemed in the best interest of the County, the County Manager may waive any provision of this policy not mandated by law or ordinance. Such authority is not extended to any other position in County Government.

Section 8. Responsibility of Assistant County Manager:

The Assistant County Manager reports to the County Manager and is responsible for leading and managing county services and programs through their assigned department managers. Participates and assists in short-term and long-term strategic planning for the overall county. Ensures all program activities operate consistently and ethically within the county's vision, mission, values, rules and regulations. Actively communicates on important issues and how they will be addressed to the County Manager. Informs county administration on the status of all programs and initiatives. Provides updates to the Commissioners on behalf of the County Manager.

Section 9. Responsibility of the Human Resources Director:

The County Manager may appoint a Human Resources Director, who shall have the responsibility for oversight of the Human Resources' operations including; recruitment, selection, position management, salary administration, the pay and classification plan, benefits administration, employee/employer relations, policy development and modifications, affirmative action plans, and employee training. The Human Resources Director shall be responsible for management of all records documenting personnel actions of employees and ensuring compliance with all federal, state and local laws. The Human Resources Director shall serve as a resource to department heads and employees.

Section 10. Responsibility of Department Managers (Heads):

Department Managers shall be responsible for recommendations to the County Manager of appointment, suspension, and termination of employees assigned to their departments. The Department Managers shall be responsible for ensuring that all employees are thoroughly familiar with the provisions of the Lenoir County Personnel Policy.

The Health Director, Social Services Director, Tax Administrator, Sheriff, and Register of Deeds are accountable for the appointment, suspension and termination of employees in their respective departments.

Section 11. Responsibility of Employees:

Employees shall read, become familiar with, and adhere to the contents of this Personnel Policy.

An employee's failure to follow the policies and procedures set forth herein, may lead to disciplinary action, up to and including separation from employment. Employees should refer to these policies as frequently as needed to remain compliant with the contents. Inquiries for further clarification or information about these policies should be addressed by consulting first with the employee's supervisor, then the Department Manager, and up to the County Human Resources Department, if needed.

ARTICLE II

POSITION CLASSIFICATIONS

Section 1. Adoption:

The Pay and Position Classification Plan is approved and adopted by the Board of Commissioners at the beginning of each new Fiscal Year. The Official Pay and Position Classification Plan may only be amended or revised as set forth below in Section 9.

Section 2. Administration of the Position Classifications:

The Human Resources Director and/or the County Manager shall be responsible for the administration and maintenance of a Pay and Position Classification Plan that reflects the title and pay grade for every position in County Government. The Pay and Position Classification Plan shall include position titles and assigned pay grades with salary ranges that include beginning and ending salaries. The Human Resources Director and County Manager may propose changes, amendments, or revisions to the Pay and Position Classification Plan to the Board of Commissioners.

Section 3. Allocation of Positions:

Every position in local government shall be assigned to an appropriate classification on the Official Pay and Position Classification Plan. Positions which are similar, justify common treatment in classification and compensation. Positions with unique or distinguishing characteristics, duties and/or responsibilities may justify classifications at lower or higher levels. A classification may consist of a single unique position or of many like positions.

Position classifications shall be assigned to a pay grade based on the duties and responsibilities of the position. Other factors considered in determining the most appropriate classification of positions include the following:

- Scope and complexity of the duties of the position
- Decision-making authority and responsibility, the degree and importance of responsibilities and decisions, and the consequence of error
- The analytical, technical, and complexity of duties and specialization requirements
- Amount of supervision required, the degree of independence, and/or the level and degree of supervision exercised
- Nature and significance of public contact
- Knowledge, skills and ability requirements
- Expertise required, including training, degrees, certifications, and experience

Section 4. Exempt and Non-Exempt Designations:

All positions on the County Pay and Position Classification Plan shall be designated as Exempt or Non-Exempt. Positions designated as Exempt are not subject to the overtime provisions of the Fair Labor Standards Act. Exempt status is based on the specific job description and duties of the position. Non-Exempt positions are subject to the overtime provisions of the Fair Labor Standards Act. The Department Manager and Human Resources Director will recommend Exempt or Non-Exempt designations to the County Manager. Additional information regarding Exempt and Non-exempt designations may be located on the Department of Labor website: http://www.dol.gov/whd/regs/compliance/fairpay/fs17a_overview.pdf

Section 5. New Positions, Reclassifications and Reallocations:

Department Managers shall be responsible for bringing to the attention of the Human Resources Director and the County Manager the need for a new position and/or the reclassification of a current position. The Department Manager shall submit documentation to support the request for establishing a new position or for reclassifying an existing position. Requests for a reclassification should include documentation of the significant changes in the duties, responsibilities, and/or working conditions affecting the classification of the current position.

New positions shall be established upon recommendation of the Human Resources Director with the approval of the County Manager and the Board of Commissioners. The Human Resources Director will assign the new position to the appropriate class within the existing Pay and Classification Plan. If the classification does not exist on the current plan, the plan may be amended as set forth below in Section 9.

*** Note: Positions, not employees, are reclassified. A reclassification of a position is not based on an individual employee's rate of pay that is believed to be too low, length of service, training or experience not required for the job, or the volume, quality, or quantity of the work being performed by the employee.*

Section 6. Range Revisions:

Range revisions occur when all positions in a classification are reassigned to another classification. When the Human Resources Director or County Manager identifies that a substantial change has occurred in the duties and responsibilities of existing positions or positions in a classification series, the Human Resources Director shall consult with the Department Manager and recommend that the existing classification be reassigned to the appropriate pay grade on the Pay and Position Classification Plan. If a new position classification is needed that does not exist on the current plan, the plan may be amended as set forth below in Section 9.

Section 7. Abolishment and Elimination of Positions:

The Department Manager shall be responsible for bringing to the attention of the Human Resources Director and the County Manager the need to eliminate positions. A vacant position that is no longer being used by a Department, or for which budgeted funds are not available, should be abolished or eliminated. Positions occupied by employees may only be abolished in an approved Reduction-in-Force plan.

Position Action forms should be submitted to the Human Resources Office when eliminating positions. The change will be recorded on the Department's Organizational Chart and reflected in the Department's position count. The position classification may remain on the County's Pay and Position Classification Plan for future use if needed.

Section 8. Position Management:

The Human Resources Department is responsible for assigning position numbers, documenting position changes, and for ensuring an accurate employee count at all times. All requests for changes in positions including newly established positions, reclassifications, reassignments, range revisions, and abolished positions must be submitted to the Human Resources Department and approved by the Human Resources Director and the County Manager prior to the effective date of the requested action. Position changes should be submitted to the Human Resources Office on the County's Position Action Form (LC-003). Supporting documentation such as new or revised position descriptions, Reduction-in-Force plans, and letters or notices should be submitted with the Position Action Form.

Section 9. Amendment of the Pay and Position Classification Plan:

Based upon a recommendation from the Human Resources Director and the County Manager, classes of positions may be established, amended, or deleted from the Pay and Position Classification Plan at any time during the Fiscal Year. A revised Pay and Position Classification Plan shall become the Official Pay and Position Classification Plan for the County upon adoption by the Board of Commissioners.

ARTICLE III
COMPENSATION

Section 1. Salary and Wage Administration:

Lenoir County's compensation policies and practices shall be administered in a uniform and consistent manner. An annual salary schedule reflecting pay grades and steps shall be approved by the Board of Commissioners.

Section 2. Authority:

The Human Resources Director and County Manager shall be responsible for the administration and maintenance of the compensation policies and practices as set forth in this Article. To ensure equitable compensation, the Human Resources Director shall, from time to time, make comparative studies of salary levels and shall recommend to the County Manager such changes in salaries as are warranted. The County Manager may accept, reject, modify, amend or change any recommendation or proposal regarding the adoption of a new or revised compensation policy.

Section 3. Compensation and Classification Plan:

A Compensation and Classification Plan reflects how both grade levels and steps shall be approved by the Board of Commissioners. The Compensation and Classification Plan is intended to provide equitable compensation for all positions when considered in relation to each other, to general rates of pay for similar employment in the private sector, and in other public jurisdictions in the area. The County Manager shall, from time to time, make comparative studies of all factors affecting the level of salary ranges and shall recommend to the County Commissioners such changes in salary ranges as appear to be warranted. Action taken relative to elected officials and the County Manager's compensation will be the responsibility of the Board of Commissioners.

Section 4. Payment within the Salary Range:

All employees shall be paid on an existing step within the salary range established for their respective job classification, unless the employee is appointed in a trainee or work-against status. Apart from these exceptions, employees may not be paid off-step without prior approval of the Human Resources Director and the County Manager. When the employee attains the maximum rate of a salary range for his or her present position, no further salary increase will be received unless the position is reclassified, the employee is promoted to another position with a higher salary range, the salary range for the present position is increased, or the salary range for all positions are increased in the Pay and Classification Plan. Temporary exceptions may be authorized by the County Manager and/or State Human Resources Commission when applicable.

Section 5. Salary Rates for New Appointees:

The following provisions shall govern the starting salaries for new appointees:

- A. Hiring Rate/Starting Salary** – New employees will typically be hired at the beginning step of the range approved for the position classification. Appointments above step one (1) of the salary grade may be made in accordance with an approved plan for Special Entry Salary Rates or with the prior approval of the Human Resources Director and the County Manager. Justification for hiring employees above the starting or beginning salary includes such factors as superior qualifications of the applicant, a shortage of qualified applicants available at the hiring rate, or when the County Manager deems it to be in the best interest of the County.

B. Special Entry Salary Rates - Department Heads may request that a step, other than the first step of the salary grade, be established as the Special Entry Salary Rate for a class of positions or an occupational grouping. A Special Entry Salary Rate may be considered for:

- Difficult-to-recruit classifications
- Classifications with high turnover and low retention rates
- Specialized classifications
- Classifications for which a special entry salary is deemed justifiable by the County Manager.

Special Entry Salary Rates shall be approved as a part of the Pay and Classification Plan.

Section 6. Salary Progression for New Appointees:

All appointees to a permanent position must serve a probationary period. This period provides the time for effective adjustment of the new employee, or the elimination of those employees whose performance will not meet acceptable standards. Employees who fully qualify for the classification for which they are hired, are typically appointed at the minimum rate of their assigned salary grade.

Section 7. Salary for Trainees, Work- Against and Progressions within a Classification Series:

A. Salary of a Trainee - An applicant hired or an employee promoted to a position in a higher class who does not meet all the established requirements of the position, may be appointed as a trainee at a rate of \$1 per year below the beginning salary range established for the classification. Employees who are subject to the SHRA will be designated as “trainees” in accordance with the rules and regulations established by the Office of State Human Resources.

All other County employees shall be designated “trainees” based upon recommendations of the Department Head with the approval of the Human Resources Director and the County Manager. Employees in a trainee status shall continue to receive a reduced salary until the Department Head and the Human Resources Director determine that the trainee is qualified to assume the full responsibilities of the position.

B. Salary for a Work-Against Appointment - When qualified applicants are unavailable and there is no trainee provision for the classification, the appointing authority may appoint an employee as a “work-against.” A work-against appointment is for the purpose of allowing the employee to gain the qualifications or to obtain the certification needed for the full class through on-the-job experience. A work-against appointment may not be made when suitable applicants are available who meet the minimum training and experience requirements for the position. The salary for an employee in a work-against appointment may be made at any step within a salary range below the pay grade and salary level of the regular, established or full classification of the position.

C. Salary for advancements and/or progressions of an employee within a Classification - When an employee progresses within a classification series from a beginning level such as Level I to Level II or III or beyond, the employee’s salary may increase to the first step of the new pay grade. If the salary is already above the beginning of the first step of the new pay grade, the salary may remain unchanged.

Section 8. Pay Rates for Promotion, Demotion, Transfer and Reclassification:

When an employee is promoted, demoted, transferred, or in a position that has been reclassified, the rate of pay shall be established as follows:

- A.** When a competitive promotion occurs which involves advancement to a new salary grade, and the employee's salary is below step one of the new salary grade, the employee's salary shall be increased to step one of the new salary grade. If an employee's current salary is already above the new step one or the entry level of the salary range for the new position, his or her salary may be increased by one (1) step. It is the intent of Human Resources to maintain the integrity of the step obtained by any current, active, full-time, employee being promoted along the salary range. All employees being promoted must be paid at least at the beginning of the salary grade and range established for the position unless the employee is serving as a trainee or in a work-against status. Requests for lower or higher increases in pay as a result of a promotion may be made to the Human Resources Director. Authorization of such requests must be obtained from the Human Resources Director and the County Manager prior to an offer or commitment to an applicant or employee.
- B.** If an employee is demoted as a result of a reclassification of the position to which they are assigned, the employee's salary will remain the same unless their salary is above the maximum of the range for the lower classification. If an employee is demoted for disciplinary reasons, the employee's salary will be reduced to any step in the lower salary range as long as the reduced salary does not fall below step one of the new range. When an employee requests a voluntary demotion, the employee must accept a salary adjustment to a step within the lower salary range as determined by the Human Resources Director and County Manager. When a transfer occurs from a position in one classification to a position in another classification assigned to the same pay grade, the employee may continue to receive the same salary.
- C.** A reclassification is the reassignment of an existing position from one classification to another based on job content including; the duties and responsibilities of the position, kind of work, level of difficulty, decision-making responsibility, required skills and education, and accountability for work being performed. When an employee serves in a position that is reclassified to a higher salary grade, and the employee fully qualifies for the new class, the employee shall have his/her salary increased to the minimum of the new range. If the employee's current salary is already above the minimum of the new range, his/her salary may be adjusted upward or left unchanged. If the position is reclassified to a lower pay range and the employee is receiving a salary above the maximum established for the new class, the salary of the employee may be maintained at that level until such time as the employee's range is increased above the employee's current salary.

Section 9. Pay Rates for Salary Range Revisions:

When the Board of Commissioners approves a revision in the salary grade and pay range for an entire class of positions, the salaries of these employees' shall be affected as follows:

- A.** When a class of positions is assigned to a higher pay grade and range, and an employee's salary in that class is less than the minimum salary rate of the salary range for the new class, the employee's salary shall be adjusted to the minimum of the range of the newly assigned class. If the employee's salary is already at or above the minimum of the new pay range, the County Manager may elect to increase the salary within the range. An employee's salary may not exceed the maximum of the range in the newly assigned class.
- B.** When a class of positions is assigned to a lower pay range, the salaries of the employees in that class will remain unchanged. If the assignment to a lower pay range results in an employee being paid above the maximum step established for the new class, the salary of the employee may be maintained at that level until such time as the employer's pay range is increased above the employee's current salary.

Section 10. Pay for Part-time Work:

Compensation for any employee working in a part-time hourly appointment will be computed based on the rate approved during the budget for the fiscal year. No temporary, part-time or hourly employees are eligible for holiday pay. All employees including part-time employees will be covered by Workers' Compensation and Social Security and may be terminated by the County at will, at any time. Other benefits may or may not be applicable as determined by the County Manager and approved by the Board of Commissioners.

Part time employees may be separated into three categories:

- a) *regular part-time* working over 1,000 hours per year;
- b) *part-time* working less than 1,000 per year which includes
- c) *part-time temporary*

Regular part-time employees working over 1,000 hours per year are persons in a regular position working a regular schedule, whose duties require more than 1,000 hours per year but fewer than thirty hours per week. Such employees are hired with the understanding that they will participate in the Local Government Employees Retirement System, but will not receive vacation or sick accruals, nor will they receive county paid insurance. Budgetary considerations must be made for the employer contribution to the Retirement System.

Part-time employees, which includes part-time temporary, are persons working fewer than 1,000 hours per year. Such employees shall not be eligible for any county benefits.

Section 11. Overtime Compensation and the Fair Labor Standards Act (FLSA):

- A. Work Week:** The workweek for the County begins at 12:01 am on Sunday and ends at 12:00 midnight on Saturday. Each workweek stands alone and calculations for work time, straight time and overtime are confined to the workweek. Accordingly, the hours worked in one workweek are not counted as work time in the preceding or succeeding workweek.

Note: In accordance with the *FLSA 207 (K) Exemption*, Law Enforcement employees are subject to a 28-day **work cycle** rather than the **workweek** as defined above.

- B. Work Time:** Work Time includes any time for which an employee is required to be on duty, required to be on the employer's premises or at a prescribed workplace, and any time an employee is suffered or permitted to work, whether or not requested to do so.
- C. Overtime:** All employees assigned to Non-exempt positions in Departments other than the Sheriff's Department are subject to the overtime provisions of the Fair Labor Standards Act and shall be compensated at a rate of time and one-half for work time over 40 hours in the *workweek* as defined above. All Law Enforcement employees assigned to Non-exempt positions in the Sheriff's Department shall be compensated at a rate of time and one-half for time worked over 171 hours in a 28-day work cycle as required by the FLSA 207 (K) Exemption.
- D. Straight Time:** Straight time is any work time over and above the normal work week or work cycle, if applicable, but not more than 40 hours in the work week or more than 171 hours in the work cycle, when applicable. Compensation for straight time is made on the basis of time-for-time or hour-for-hour and not at the rate of time and one-half.

- E. Compensatory Time:** Compensatory time is earned leave time in lieu of pay and it is the preferred method of compensation for both straight time and overtime. Compensatory leave should be taken within the same pay period if possible, but no later than the following pay period unless workplace hardships or workload demands make it impractical. Straight time is compensated at a rate of time-for-time or hour-for-hour and overtime is compensated at the rate of time and one-half. Any and all accumulations of straight time, plus any and all accumulations of overtime, equals *total compensatory time* earned. A cumulative total of Compensatory time earned may not exceed 225 hours for non-emergency employees on a 37.5 hour work schedule, 240 hours for non-emergency employees on a 40 hour work schedule, and 480 hours for fire, rescue, emergency medical services and law enforcement employees. All hours in excess of these maximum limits must be actual paid hours. A Department Manager must obtain approval from the County Manager before any employee exceeds a maximum of 75 hours of *total compensatory time*. Actual monetary compensation for straight time, overtime or total compensatory time may only be made with prior authorization of the County Manager. Compensatory time may not be transferred to an annual or sick leave account, transferred to another employer/employee, nor accumulated and banked to be taken at a later date.
- F. Overtime for Exempt Positions:** When specific or extraordinary working conditions warrant, such as extreme weather conditions, acts of terrorism, or declarations of a state of emergency, the County Manager may authorize Exempt employees to accrue overtime on an hour for hour basis. This is a privilege granted by the County and is subject to change. Exempt employees approved to be paid overtime during these situations must maintain a record of all hours worked and account for their full work period either in hours worked, or leave taken. Otherwise, employees in Exempt positions are required to work the hours necessary to fulfill their assigned duties and responsibilities.
- G. Work Rules for Work Time, Straight time and Overtime:** The following work rules shall apply to work time, straight time and overtime:
1. Vacation, sick and holiday leave will not be considered hours worked when calculating overtime.
 2. All Non-Exempt employees shall maintain true, complete and legible time records (*Time Sheets*) that shall be submitted as instructed to their Supervisor.
 3. All time worked shall be recorded to the nearest one-quarter hour on the employee time sheet.
 4. Supervisors shall arrange the work schedule of their employees to accomplish the work within an average workday or workweek, except in those cases where excessive hours of work are necessary.
 5. Training-related time, either to increase efficiency or as required by the County, is counted as hours worked when calculating overtime.
 6. Time while attending training and educational seminars required by the State as a condition of practice of the profession are not considered work time and are not counted as hours worked for the purpose of calculating overtime.
 7. All travel time required by the County, other than the normal commuting time between home and work, is considered work time for the purposes of calculating overtime.
 8. Employees shall not volunteer to work overtime without receiving compensation.
 9. Non-exempt employees will be compensated at the rate of time and one-half when required or authorized to work on a County designated holiday.
 10. All overtime must be pre-approved by the Department Manager and County Manager except in emergency situations when conditions are such that prior approval cannot be obtained. Approval shall be obtained immediately subsequent to the emergency overtime worked. The Department Manager may not authorize or allow an employee to exceed a maximum of 75 hours of *total compensatory time* without prior approval from the County Manager.

11. Employees, groups of employees, or Departments may be granted standing authorization for overtime payments by written authorization of the County Manager.
12. Requests for payment of overtime, when the maximum compensatory time ceiling has not been reached, shall be made in writing to the County Manager.

Note: For additional information about work time, overtime and the Fair Labor Standards Act (FLSA), log onto the Department of Labor's website at: <http://www.dol.gov/dol/topic/wages/overtimepay.htm>

Section 12. Pay for On-Call Duty:

Employees required to work on-call duty shall receive overtime for all time actually spent in the service of the County in excess of their regular work schedule. A minimum of two-hours shall be guaranteed any employee on call when the employee is required to leave home to conduct assigned duties. If the employee is required to leave home, the recording of time shall begin when the employee leaves home and shall conclude when the employee returns home. Telephone calls while on-call shall be counted as time earned for the duration of the call. In addition to compensatory time, actual monetary compensation may be made if approved by the County Manager and/or the Board of Commissioners.

Section 13. Shift Differential Pay:

The County provides a \$1.00 per hour shift differential pay premium to Non-Exempt Deputies, Detention Officers and Master Control Specialist, when working a schedule between the hours of 6 p.m. and 6 a.m. Shift Differential pay is only for employees that are regularly or routinely scheduled to work beyond the standard or regular workday and/or workweek. Other Pay premium schedules may be approved by the Board of Commissioners upon recommendation by the County Manager.

Section 14. Cost-of-Living Increases:

Cost of Living Salary Adjustments (COLA's) may be reviewed annually and are subject to the availability of funding. Such increases will be subject to the approval of the Board of Commissioners.

Section 15. Bonuses:

Dependent upon the availability of funding, the Board of Commissioners may consider and approve a one-time payment (bonus), for all full time, regular County employees appointed by July 1st of a new fiscal year and employed through December 31st of the same fiscal year. This one-time bonus is commonly known as the *County Christmas Bonus*. The Board of Commissioners may approve other or additional one-time bonus payments for County employees based on the availability of funding. Bonuses are usually given at the end of the fiscal or calendar year. The effective date for bonuses is determined by the County Manager and the Board of Commissioners.

Section 16. Longevity Pay:

Subject to the availability of funding, annual longevity payments will be made in accordance with the Longevity Pay Schedule to all permanent career status, full-time employees, who have completed five years of continuous employment with Lenoir County. Employees will receive a lump sum payment on or before December 31st of each year, provided the employee has been continuously employed, **without a break in services**, for five (5) or more years by Lenoir County and employed through December 31st in the year that any payment is made. Service with other state or local agencies will not be considered in calculating longevity pay. The schedule of Longevity Pay Benefits is as follows:

<u>Years of Service</u>	<u>Percentage of Annual Salary</u>
At least 5 years but less than 10 years	1.0%
At least 10 years but less than 15 years	1.5%
At least 15 years but less than 20 years	2.0%
At least 20 years but less than 25 years	2.5%
Twenty-five (25) or more years	3.0%

Section 17. Certification and Educational Pay:

If funding is available, the County may provide additional pay for Certifications and Degrees received in accordance with this section. Certification Pay is additional compensation for obtaining or holding certifications beyond the minimum requirements for the position. Educational Pay is additional compensation for the completion of a job-related educational program that leads to a degree or diploma granted by an accredited degree-granting institution. Increases under this section should be at least one pay step but typically no more than four steps on the Grade and Step Table. Prior approval must be obtained from the Human Resources Director and the County Manager before any offer or commitment is made to an employee or a group of employees under this section.

Section 18. Other Pay Increases and Salary Rates:

Other pay increases and salary rates may, from time to time, be approved when deemed justifiable and in the best interest of the County or otherwise when circumstances warrant such action. Requests for other pay increases and/or salary rates may be considered upon recommendation by the County Department Manager and review by the Human Resources Director. The County Manager can accept, reject, or modify any request or recommendation for pay increases or salary rates made under this provision.

Section 19. Pay Status:

An employee is considered to be in pay status when working, when exhausting annual and sick leave, or when receiving workers' compensation. An employee is not in pay status while on unapproved or unauthorized leave, on approved leave without pay, or after his/her last day of work when separated from employment because of resignation, dismissal, retirement, reduction-in-force, or death.

Section 20. Pay Periods:

Employees are typically paid on the twenty-fifth (25th) day of each month for service through the end of that month. If the twenty-fifth (25th) of the month falls on a Saturday, Sunday or holiday, employees may be paid on or before this date.

Section 21. Salary at Separation:

The regular payroll check for the current month, in which an employee is separated, will include payment for any annual leave (30 days maximum) and overtime amounts due. The final remuneration for employees leaving the County's service will be provided during the month of separation or as soon thereafter as possible. An employee who separates employment with the County will receive a deduction in his or her final remuneration if there is a negative balance in sick or annual leave, or for any other sum owed to the County as restitution.

Section 22. Payroll Deductions and Complaint Procedure:

Federal and State income taxes, Social Security taxes and retirement contributions shall be payroll deductions authorized by law and the Board of Commissioners. Other payroll deductions from an employee's pay for contributions to charitable or other organizations authorized by County Administration may be made upon the prior request of and authorization of the employee.

Complaints regarding alleged improper salary deductions must be made to the Human Resources Director. The County will reimburse the employee for any improper deductions. Overpayments made to employees will be deducted from the employee's paycheck in the following pay period, once any overpayment has been identified.

Section 23. Personnel Action Forms and Time Sheets:

All requests for personnel actions including appointments, promotions, demotions, transfers, separations, paid or unpaid Family Medical Leave (FMLA), leave without pay, absences under Worker's Compensation and salary changes made in accordance with this Article, shall be made on Personnel Action Form (LC-004) and forwarded to the Human Resources Department. Corresponding and/or supporting documentation such as appointment, promotion, demotion, suspension, FMLA leave, leave without pay, separation and resignation letters or Job Descriptions, if applicable, should be attached to the Personnel Action Form. All requests made in accordance with this Article must be approved by the Human Resources Director and the County Manager prior to the action becoming official or effective. Changes in employee pay as a result of authorized or unauthorized absences shall be documented on the Employee Time Sheet and submitted to the Human Resources Department in a timely fashion.

ARTICLE IV

EMPLOYEE BENEFITS

Section 1. Benefits Program:

The Lenoir County Benefits Program is designed to provide financial protection for employees and their families and to improve the County's ability to attract and retain qualified employees. A number of approved payroll deduction plans are available. Each employee is encouraged to make responsible decisions regarding their present needs and future financial stability.

The following is a current list of benefits offered by Lenoir County:

- Employee Health and Dental Insurance
- Optional (or Ancillary) benefits and services
- Workers' Compensation
- Unemployment Compensation
- Social Security
- Retirement
- 401K Supplemental Retirement

Section 2. Health/Dental Insurance:

Subject to the annual budgetary process and availability of funds, the County makes Health and Dental insurance available to all full-time permanent, probationary, and trainee employees. Qualified employees who are working or are on paid leave for one-half or more of the regularly scheduled workdays in a month, shall be eligible for Health and Dental insurance.

Several Health Insurance options are available for qualified employees. Single coverage is available for qualified employees and employees wishing to have additional Health and Dental insurance in the form of other family-type coverage may do so at their expense through payroll deduction.

If a working spouse of a qualified/covered employee is eligible for health care insurance through his/her employer plan, then the spouse is not eligible for coverage under the County Health Insurance Plan. Working Spouses who refuse healthcare insurance through their employer are not eligible for coverage under the County Health Insurance Plan.

If a non-working spouse becomes employed during the plan year or becomes eligible for health care insurance with their employer during the plan year, he/she must enroll for primary coverage with that employer. He/she must notify the Lenoir County Human Resources Department immediately of this change in eligibility. Failure to do so may result in claims for your spouse being denied by the Lenoir County Health Insurance Plan.

All new full-time permanent, probationary, and trainee employees become eligible for Health and Dental insurance on the 1st of the month after 30 days of employment. If an employee is on a leave of absence without pay, that employee may remain covered under the County's Health insurance; however, the employee must pay the entire premium (employee and County portion) to the Human Resources Department prior to the first working day of the month they are to be covered. Insurance ceases on the last day of the month, in the month of separation, whether voluntary or involuntary, unless specified otherwise in this policy.

Section 3. Retiree Health Insurance:

For all employees hired prior to July 1, 2020, the County will provide individual health insurance to retired employees and their dependents that meet the criteria below:

- An employee who reaches age 60 and completes 25 years of Local or State government creditable service
- An employee who completes 30 years of Local or State government creditable service
- An employee who reaches age 55 and completes 5 years of creditable service for Law Enforcement Officers
- The retired employee must have at least ten (10) years of continuous employment with Lenoir County Government immediately preceding the retirement, of which, twelve months may be represented by accumulated sick leave as calculated by the North Carolina Retirement System.

This benefit is provided subject to the following limits:

- Once the retired employee turns age sixty-five (65), this benefit will cease.
- Any group coverage obtained because of the employee's post-retirement employment will be considered primary and the County's health care policy will be secondary.
- No employee who is terminated involuntarily (other than reduction in force) will be eligible for this benefit.
- The retired employee's coverage premium is paid fully or partially by the County, depending upon the type of coverage elected. Premiums for dependent health care insurance are paid 100% by the retired employee.

*These benefits are not provided to employees hired on or after July 1, 2020.

Section 4. Other Benefits and Services:

The County offers a number of benefits designed to allow employees to meet their own health and welfare needs as well as those of their families. A number of approved payroll deduction plans are available which provide the employee with increased available income and an enhanced ability to save for retirement. Each employee is encouraged to make responsible decisions regarding both present needs and future financial stability. It is in the discretion of the County to determine whether to allow the addition of a benefit or service and to provide for payroll deduction.

The Human Resources Department maintains a current index and description of all benefits provided to employees under this section. Copies shall be provided to all new employees subject to this Article, and updates shall be provided annually at the time of benefits enrollment.

Section 5. Retirement Benefits:

The County provides retirement programs for employees through the North Carolina Local Governmental Employees' Retirement System and the Law Enforcement Officer's Benefits and Retirement Fund. Upon employment, a new employee shall be required to join the applicable retirement plan. There shall be no mandatory retirement age imposed on employees except in positions where a bona fide occupational qualification exists in the Age Discrimination in Employment Act of 1967 (ADEA).

Section 6. Notice for Full Retirement:

Dependent upon the availability of funding, any current employee with a minimum of 5 years of continuous and contiguous service with Lenoir County in a full-time, permanent capacity, and who is eligible for *Full* or *Reduced* retirement, and desires to retire within twelve months, and provides notice of the retirement date to the County Manager, may be eligible to receive a one-time increase in salary to the end of his or her pay grade or \$3,000, whichever is less. If an eligible employee is already at the end of the pay grade, no additional compensation shall be made.

Section 7. 401K Supplemental Retirement:

Lenoir County is a member of the North Carolina 401K Supplemental Retirement Plan managed by Prudential Financial Services. Dependent upon an annual review of available funding, the County contributes five (5%) of an employee's gross salary to the 401k plan. Employees may also contribute up to the maximum contribution amount instated annually by the IRS.

For more information about investment options and other benefits and services provided under the NC 401K plan, log onto the [N.C. State Treasurer's web site and click on the Retirement and Savings Tab.](#)

Section 8. Unemployment Insurance:

In accordance with the North Carolina General Statutes, local County employees are covered by unemployment insurance. County employees who are separated from employment with the County through a reduction-in-force or released from County service may apply for unemployment insurance compensation through the local [Division of Employment Security \(DES\)](#). The DES will determine the employee's eligibility for benefits based upon the facts surrounding the separation. All requests received from the DES must be completed by the Department Head and returned to the Division of Employment Security in a timely fashion.

Section 9. Social Security:

The [Federal Social Security Program](#) provides benefits for eligible wage earners. Under the law, the County is required to deduct the workers' share of Social Security from his or her paycheck, match that amount, and pay the total into the Federal Treasury. Benefits are distributed to employees and/or their heirs by the Social Security Administration.

Section 10. Women's Health and Cancer Rights Act:

Federal law requires that all Health Insurance Plan participants be notified annually of their rights under the Women's Health and Cancer Rights Act ([WHCRA](#)). The Act requires all group health insurance plans that provide coverage for a surgically removed breast also provide coverage for:

- reconstruction of the surgically removed breast
- surgery and reconstruction of the other breast to produce a symmetrical appearance
- prostheses and any physical complications that may occur in any stage of a mastectomy, including lymphadenitis (swelling associated with the removal of lymph nodes)

Coverage for breast reconstruction and any related services will be subject to plan deductibles and participation rates and percentages that apply to other covered medical benefits in the plan. Employees may refer to the ["Employee Benefit Plan"](#) booklet for more information regarding co-pays, deductibles, and covered services.

Section 11. Workers' Compensation:

Lenoir County employees are covered by the North Carolina Workers' Compensation Act and may be eligible for benefits as a result of injuries and illnesses arising out of or in the course of employment. The Act requires payment for lost work-time and medical attention for a job-related injury or occupational illness.

Employees should report an accident or occupational disease to their supervisor immediately. The Department Head shall report the accident or illness to the Human Resources Department no later than 3 calendar days from the date of the injury or from the date a work-related illness is conveyed. Failure to follow the established procedures could affect Workers' Compensation benefits. For specific instructions on what to do when an accident occurs, log onto: Lenoir County Government's Home Page, click on the Departments' Tab, click on the Human Resources' Tab and then click on **"What To Do When an Accident Occurs"**.

An employee who must be absent from work due to a work-related injury or illness may use any available leave time for the first seven days (the required waiting period) of his or her absence as set forth in Article V. The employee **will not** receive creditable service in the Local Government Employees Retirement System while receiving Workers' Compensation benefits except when using accrued leave during the initial seven-day waiting period.

Employees absent from work under Worker's Compensation do not accrue annual leave or sick leave and may not use accrued leave to supplement their Worker's Compensation benefits. Employer contributions to the Local Government Employees Retirement System and the 401K Supplemental Retirement Plan will also be suspended until the employee returns to work. Employees continue to be responsible for the employee portion of the Health and Dental Insurance and for the costs of any supplemental or optional benefit such as accident, cancer, life or vision insurance.

Employees receiving Workers' Compensation benefits are expected to comply with all medical treatment plans and accept any medically approved light-duty work assignment offered to them. A record shall be maintained to record any and all claims activity, including an employee's compliance with such conditions and requirements. The County will address any employee's failure to comply by filing the appropriate motions for compliance and/or termination of benefits with the North Carolina Industrial Commission.

ARTICLE V

HOLIDAYS AND LEAVES OF ABSENCES

Section 1. Paid Holidays Observed:

The following holidays, in addition to any such other days which the Board of Commissioners may designate as holidays, shall be considered and treated as holidays with pay for all full-time permanent, probationary or trainee employees. Permanent part-time, temporary full-time and temporary part-time employees are not eligible for holiday pay.

Holidays begin at 12:00 am and end at 12:00 pm on the observed day. Lenoir County typically follows the holiday schedule approved by the State of North Carolina. Lenoir County observes the following days as official holidays:

- New Year's Day
- Martin Luther King, Jr.'s Birthday
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day and Thanksgiving Friday
- Christmas - Three (3) days according to the schedule set by the State of North Carolina:

Section 2. Holidays - When Employee is out on Paid and Unpaid Leave:

- A) When an employee is away from work on paid leave and a holiday occurs during that time, the employee will record the holiday on their time sheet and paid leave (vacation, sick, comp. time) for the other days they were away from work.
- B) When an employee is away from work on any form of unpaid leave and a holiday occurs during that time, the employee will not receive holiday pay or compensation for the holiday. Employee work schedules may not be manipulated solely for the purpose of providing or receiving holiday pay.

Section 3. Holidays - When Work is Required:

Employees required to perform work on regularly scheduled holidays shall be compensated at the rate of time and one-half. Only actual time worked on holidays is counted in the calculations for FLSA overtime at the end of the workweek or work cycle. The preferred method of compensation for overtime is compensatory time. See Article III, Section 12.

Section 4. Annual Leave:

Annual leave is a privilege and not a right. It is an optional benefit that is made available by the Board of Commissioners and the availability of this and all other employee benefits are subject to review and revision during the annual Budget process. Full-time permanent, probationary or trainee employees, who are in active pay status for one-half or more of the regularly scheduled workdays in the pay period shall earn annual leave to be credited to their leave balance at the end of the month.

A. Rate of Accumulation - Annual leave is accrued in accordance with the following schedules.

<u>Years of Service</u>	<u>37.5 Hour Month</u>	<u>40.00 Hour Month</u>	<u>Annual</u>
Less than 2 years	7.50 hrs.	8.00 hrs.	12 days
2 but less than 5 years	8.75 hrs.	9.33 hrs.	14 days
5 but less than 10 years	10.625 hrs.	11.33 hrs.	17 days
10 but less than 15 years	12.50 hrs.	13.33 hrs.	20 days
15 but less than 20 years	14.375 hrs.	15.33 hrs.	23 days
20 but less than 25 years	16.25 hrs.	17.33 hrs.	26 days
25 years or more	18.125 hrs.	19.33 hrs.	29 days

Maximum annual leave carry-over - 225 hrs/30 days or 240 hrs/30 days

<u>EMS Department Employees</u>	<u>Communications</u>	<u>EMS</u>	<u>Annual</u>
Less than 2 years	7.60 hrs.	7.20 hrs.	12 days
2 but less than 5 years	8.87 hrs.	8.40 hrs.	14 days
5 but less than 10 years	10.77 hrs.	10.20 hrs.	17 days
10 but less than 15 years	12.67 hrs.	12.00 hrs.	20 days
15 but less than 20 years	14.57 hrs.	13.80 hrs.	23 days
20 but less than 25 years	16.47 hrs.	15.60 hrs.	26 days
25 years or more	18.367 hrs.	17.40 hrs.	29 days

Maximum annual leave carry over – 228 hrs/30 days or 216 hrs/30 days

B. Maximum Accumulation:

Annual leave may be accumulated without any applicable maximum until December 31st of each year. If the employee separates from service, payment/transfer for accumulated annual leave shall not exceed thirty (30) days accumulated to the date of separation. On December 31st any employee having accrued annual leave in excess of thirty (30) days shall have any excess accumulated annual leave converted to sick leave. Any unused converted sick leave may be counted toward creditable service at retirement, subject to and in accordance with the provisions of the North Carolina Local Government Employees' Retirement System.

C. Annual Leave Guidelines:

Annual leave is subject to the following rules and guidelines:

1. For the purpose of earning and accruing annual leave, the twelve calendar months between January 1 and December 31 are established as the leave year.
2. Annual leave shall be charged in units of quarter hours.
3. Annual leave will be credited to each employee at the end of each month in which leave is earned. Annual leave may not be taken until it has been credited to the employee's account.
4. Annual leave shall not be advanced to employees.
5. Annual leave may be used in lieu of sick leave.

D. Scheduling of Annual Leave:

Annual leave shall be granted only when approved by the employee's supervisor or Department Head. Employees should request annual leave as early as possible. Efforts will be made to accommodate requests for annual leave when possible. Requests may be disapproved because of workload demands, staffing levels or for any other reasons deemed justifiable by the Department Head. Requests for annual leave of an emergency nature must be made by the employee and approved by the supervisor within 30 minutes of the beginning of the workday or shift.

E. Annual Leave for Religious Observances:

Employees who wish to use leave for religious observances must request leave from their respective Supervisor or Department Head. The Department will attempt to arrange the work schedule so that an employee may be granted annual leave for the religious observance. Annual leave for religious observances may be denied when workload demands, position vacancies and employees' absences make it impractical to approve.

F. Annual Leave Credit and Transfer:

Any employee who separates in good standing and is reinstated within one (1) year may receive credit for previous aggregate service for the purpose of accruing annual leave. Any employee transferring from one Department to another within Lenoir County will continue to accrue annual leave at the rate associated with their years of service.

G. Payment for Unused Annual Leave upon Separation:

An employee who separates from County service shall be paid for annual leave accumulated to the date of separation not to exceed a maximum of thirty (30) days. Payment for accumulated annual leave upon separation shall be subject to the return of any County property issued to that employee. The estate of an employee who dies while employed by the County shall be entitled to payment for all accumulated annual leave.

Section 5. Sick Leave:

The County provides sick leave to each full-time permanent, probationary and trainee employee occupying an officially budgeted position. Full-time permanent, probationary or trainee employees who are in active pay status for one-half or more of the regularly scheduled workdays in the pay period shall earn sick leave to be credited to their leave balance at the end of the month. Sick leave is a privilege and not a right for an employee. It is an optional benefit that is made available by the Board of Commissioners and the availability of this and all other employee benefits is subject to review and revision during the annual Budget process.

A. Rate of Accumulation:

Each full-time permanent, probationary or trainee employee occupying a permanently established position shall earn Sick Leave on a monthly basis at the rate of one day (1) per month or twelve (12) days for each year of service. Sick leave will be credited to each employee at the end of each month in which leave is earned. Sick leave will be cumulative for an indefinite period. Sick leave may not be taken until it has been credited to the employee's account. The County will not advance Sick Leave to any employee who has exhausted all accrued Sick Leave.

For the purpose of earning and accruing sick leave, the twelve calendar months between January 1st and December 31st are established as the leave year. Sick leave shall be charged in units of quarter hours. Sick leave shall not be advanced to employees. Sick leave will be credited to each employee at the end of each month in which leave is earned. Sick leave may not be taken until it has been credited to the employee's account.

B. Sick Leave Usages:

Sick leave may be granted for:

1. The employee's own, or parent, spouse or dependent child's scheduled medical procedure, medical appointment, dental appointment, sickness or bodily injury.
2. An employee's actual period of temporary disability caused or contributed to by pregnancy or childbirth and a reasonable time for recovery.
3. Bereavement - Death in the employee's immediate family, not to exceed one week for any one occurrence. Immediate family, for this purpose, is defined as wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson, and granddaughter. Also included are the step, half and in-law relationships as appropriate based on the above listing.
4. Quarantine or exposure to a contagious disease when continuing to work might jeopardize the health of others.

C. Sick Leave Notices and Requests:

Notification of the desire to take sick leave should be submitted to the employee's Supervisor prior to the beginning of shift or workday, if possible, but no later than 30 minutes after the workday begins. In the event of illness that prevents in-person notification, the employee is responsible for notifying their Supervisor or Department Head by telephone. It will be unacceptable to leave a message. When both Supervisor and Department Head are unavailable, another Supervisor or member of management may be contacted.

Notification by another employee, friend or relative is not acceptable, except in emergency situations where the employee is physically unable to provide the notice. The employee's Department Head may require a statement from the employee's physician at any time indicating that the employee was unable to report for work. Statements will be required for absences in excess of three (3) consecutive scheduled workdays. In that event, an employee will also be required to have his or her physician complete the Certification of Health Care Provider for Employee's Serious Health Condition (WH-380-E) form and such leave may be designated by the County as Family Medical Leave. At the expiration of an authorized sick leave absence, the Department Head may require a physician's statement confirming that the employee is able to resume his or her regular duties and responsibilities.

When sick leave has been exhausted, annual leave may be used to supplement sick leave. When all leave has been exhausted, leave without pay (LW/OP) may be available as set forth in this Article.

D. Transfer and Reinstatement of Sick Leave:

A former employee who is re-employed by the County, within one year after serving in a full-time, active status, from the date of separation, shall be credited with previous service and the balance of sick leave at the time of separation, except when the employee has previously retired under the North Carolina Local Government Employees Retirement System (LGERS). If the employee returns to regular full-time employment with the County from retirement under the LGERS, sick leave will begin with a zero balance.

Any former employee of an agency which is a member of the North Carolina Local Government Employees Retirement System or the North Carolina Teachers and State Employees Retirement System or other systems under the Department of State Treasurer, who is employed by Lenoir County within 12 months of the termination with the former agency, shall be eligible to transfer unlimited credit of accrued sick leave as long as contributions to the North Carolina Local Retirement System have not been withdrawn. A written request for transfer of sick leave must be made to the Human Resources Director within 30 days of employment with Lenoir County. Proper documentation as determined by the Human Resources Director verifying accumulated sick leave hours must be received with the request. Employees who have withdrawn contributions from the North Carolina Local Government Employees Retirement System may not be credited with County service.

E. Separation and Retirement Credit:

At the time of retirement, employees who are members of the North Carolina Local Government Employees Retirement System are allowed one (1) month of retirement credit for each twenty (20) days of accrued sick leave. One additional month is credited for any part of twenty days' unused sick leave left over. There is no maximum number of days that may be credited. Unless transferred to another covered entity, all unused sick leave is lost upon separation of employment, except when separation is due to retirement.

Unused sick leave, including eligible sick leave converted from excess vacation, can be converted to additional retirement service credit at the time of your retirement if all of the following conditions are met:

- Your sick leave was earned under a duly adopted sick leave policy
- You would receive full salary when using the sick leave if absent from work because of illness
- You have not, and will not, receive any compensation for this sick leave
- Your last day of service with your last participating LGRS/TSERS employer is within 5 years before your LGRS/TSERS effective date of retirement.

Section 6. Family and Medical Leave Policy:

The Federal Family and Medical Leave Act (FMLA or the Act) took effect on August 5, 1993 with amendments effective January 16, 2009 and October 28, 2009. The Act is intended to balance the demands of the workplace with the needs of families by allowing leave for certain medical reasons. Sick leave and annual leave shall run concurrently with any leave taken pursuant to the provisions of the Family and Medical Leave Act (FMLA). An employee must exhaust all available sick leave, and compensatory time prior to taking unpaid Family Medical Leave.

A. Basic Family Medical Leave Entitlement:

The FMLA provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's spouse, son daughter or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job; or
- For qualifying Military Exigencies as follows:

Eligible employees whose spouse, son, daughter or parent is on covered active duty or status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

B. Special Family Medical Leave Entitlement:

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is:

- A current member of the Armed Forces, including a member of the National Guard or Reserves, 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; or
- A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes Family Medical Leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

C. Benefits and Protections:

During Family Medical Leave, the County shall maintain the employee's health coverage under the group Health and Dental plan on the same terms as if the employee had continued to work. Upon returning from Family Medical Leave, employees must be returned to their original or an equivalent position with equivalent pay, benefits, and other employment terms. The use of Family Medical Leave will not result in the loss of any employment benefit that accrued prior to the commencement of leave.

D. Eligibility Requirements:

Employees are eligible for leave under the Act if they have worked for at least 12 months and have 1,250 hours of service in the previous 12 months.

E. Definition of Serious Health Condition:

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or on a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

F. Use of Leave

Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatments so as not to unduly disrupt County operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

G. Substitution of Paid Leave for Unpaid Leave

Employees must use any accumulated balance of Compensatory time and sick leave as paid leave while taking Family Medical Leave. Employees may also use a desired amount of annual leave as paid leave while taking Family Medical Leave. In order to use paid leave for Family Medical Leave, employees must comply with the normal paid leave policies.

H. Employee Responsibilities

Employees must provide 30 days advance notice of the need to take Family Medical Leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and must comply with a Department's usual notice requirements.

Employees must provide sufficient information for the County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include:

- notice that the employee is unable to perform job functions
- a covered family member is unable to perform daily activities
- the need for hospitalization or continuing treatment by a health care provider
- or circumstances supporting the need for military family leave

Employees also must inform the County if the requested leave is for a reason for which Family Medical Leave was previously taken or certified. The County may require employees to provide certification and/or periodic recertification supporting the need for leave.

I. County Department Head Responsibilities:

Department Heads must inform employees requesting leave if they are eligible for leave under the Family Medical Leave Act. If they are, the notice must specify any additional information required, as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Department Heads shall inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the County determines that the leave is not FMLA-protected, the Department Head must notify the employee. Under no circumstances will the County:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; or,
- discharge or discriminate against any person for opposing any practice made unlawful by the Act or for involvement in any proceeding under or relating to Family Medical Leave Act.

J. Enforcement:

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law. Employees who have been denied leave under the Act or who otherwise believe they have been treated unfairly or discriminately, may appeal in accordance with the procedures established in Article IX.

The U.S. Department of Labor provides an overview of the Family Medical Leave Act on the following website: [FMLA Benefits](#). In addition, Lenoir County Government has a [FMLA Guide](#) which addresses the basic questions relating to the Family and Medical Leave Act. This guide is not a contract and it does not cover all situations nor is it the final authority on all FMLA questions. It is also not considered a substitute for laws, rules, and regulations concerning FMLA. The provisions of this guide are subject to change at any time without prior notice. Managers and supervisors should use the provisions of the guide to acquaint themselves with the basic provisions and requirements of the FMLA. **To access the guide, go to Lenoir County Government's Home Page, click on Departments, click on Human Resources, then scroll down to "FMLA Guide and Forms".**

Section 7. Leave Without Pay:

The County may grant an employee leave without pay (LW/OP) for a period of no more than twelve (12) weeks in a one year period for reasons of personal or family illness, pregnancy and/or related conditions. A one-year period shall mean a rolling year from the date the leave without pay commences. Requests for leave without pay must be made in writing to the Appointing Authority as far in advance as possible and in advance of the need for leave. The request must be approved by the Department Head or Appointing Authority and authorized by both the Human Resources Director and the County Manager prior to the commencement of the leave without pay.

Leave without pay is not available until all rights and leave benefits provided by the FMLA have been exhausted. The Appointing Authority may require Medical Certification which the employee must supply. An employee must exhaust all annual leave, sick leave and compensatory time prior to going on leave-without-pay status. Annual and sick leave credits will not accrue during leave without pay periods. Individual medical insurance will not be provided during leave without pay unless the employee is on the payroll a minimum of one-half the working days during the calendar month or is within the twelve weeks of covered leave under FMLA. The employee; however, may continue to be eligible for any benefits under the County's Health and Dental plan, provided the employee pays the entire premium (including the employee's and employer's portion) by payroll deadlines. Failure to do so forfeits the employee's eligibility.

If a holiday falls during the leave without pay period, an employee does not receive holiday pay. Any employee on leave without pay will not accrue annual or sick leave and will not receive credit in the North Carolina Local Government Employees Retirement System for that time.

Absences without approved leave and absences for which the employee does not have accrued annual, sick, or compensatory time and absences not covered under the Family Medical Leave Act or American's Disability Act as Amended constitute an unauthorized leave of absence and just cause for disciplinary action, up to and including a separation from employment.

When a period of leave without pay ends, the employee may be reinstated to the same or similar position, if it is available, or to an equivalent or comparable position for which the employee is qualified. A reinstated employee will only be guaranteed the same seniority and pay status.

There is no guarantee, entitlement, or expectation that the employee return to the same, exact or identical position that he or she occupied prior to the leave without pay period.

Failure to report for duty at the expiration of the leave-without-pay period shall constitute just cause for the separation of the employee for unavailability for work.

In accordance with G.S. 153A-94, the leave without pay policy applies to County employees in all Offices, Departments and Agencies.

Statutory Reference: § 153A-94. Personnel rules; office hours, workdays, and holidays.

Section 8. Military Leave:

County employees who are members of the National Guard or Armed Forces Reserve and employees who volunteer or are called for active duty in the armed forces may be eligible for leave as set forth below:

A. Military Training:

Employees who are members of the National Guard or Armed Forces Reserve will be allowed two (2) calendar weeks of military training leave annually. If the employee's military pay is less than the employee's regular pay, the County will pay the difference, if the employee provides proof of compensation from the respective military branch.

Otherwise, this leave is without pay. Employees may elect to use annual leave to cover part or all of the military leave. If such military duty is required beyond the two (2) calendar weeks, the regular employee will be eligible to take accumulated annual leave or be placed in a leave without pay status. Employees who are required to attend inactive duty training (weekend duty), may be granted annual leave or unpaid leave for assignments requiring their absence on a Friday afternoon.

Employees who are Guardspersons and Reservists have all job rights specified in the Veterans Readjustment Assistance Act and The Uniformed Services Employment and Reemployment Act (USERRA). If the employee chooses unpaid leave during his/her military leave, the County's leave without Pay policy as set forth in this Article would apply.

Employees on military leave of more than 31 days may elect to continue county health and dental insurance for either individual or dependent coverage up to 24 months through COBRA. For military service of less than 31 days, health and dental insurance is provided as if the service member had remained employed.

Returning service members will be re-employed in the job they had attained prior to leaving for military service with the same seniority, status and pay, as well as other rights and benefits determined by seniority in accordance with USERRA. Returning service members are treated as if they had been continuously employed.

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

B. Active Duty:

An eligible employee, who leaves County service as a result of volunteering for active duty or as a result of being drafted into the Armed Forces of the United States during time of war or other national emergency or when reservists and National Guard members are voluntarily or involuntarily called to active duty, shall be placed on military leave without pay.

Requests for military leave shall be made in writing and submitted with copies of the employee's official military orders to the employee's supervisor. The employee shall notify their supervisor of the military obligation as far in advance as possible. A minimum of two (2) weeks advance notices is required except for emergency call-up. The leave request and supporting military orders shall be forwarded to Human Resources.

Section 9. Civil Leave:

A County employee called for jury duty or as a court witness for the federal or state government is entitled to leave with pay for the period of absence required. The employee is entitled to regular compensation plus fees received for jury duty. If an employee is called to jury duty, the Supervisor must be notified immediately so that coverage may be provided during the employee's absence. While an employee is on leave for such jury duty or court service, his or her benefits and leave shall accrue as though the employee were actively performing employment duties.

When a County employee under subpoena in a case involving private litigation, or litigation by some party other than the government, is called to testify in a capacity other than the employee's official capacity, the time absent shall be taken as compensatory leave, annual leave or as leave without pay.

Section 10. Parental School Leave:

Lenoir County employees who are parents of a school aged child, guardians of a school aged child or otherwise standing in place of the parent for a school aged child shall be granted up to four (4) hours of paid leave per school year to attend activities at the child's school. Leave under this section is subject to the following conditions:

- The leave shall be taken at a time mutually agreed upon by the employee and his or her Department Head;
- The employee will provide advance notice of at least forty-eight (48) hours; and
- If requested, the employee will provide written or other appropriate verification concerning the basis for the leave request. The definition of school includes public and private schools, church schools, and preschools.

Section 11. Educational Leave:

A leave of absence at full or partial pay for a period may be granted upon the recommendation of the Department Head with the approval of the County Manager, for an employee to take courses of study that will better equip the employee to perform his or her duties for the County.

An employee on educational leave with pay will agree to return to the service of the County upon completion of the employee's training and remain in the employment of the County for a period equal to twice the educational leave which the employee received; or the employee will reimburse the County for all compensation received while on educational leave. An employee who fails to maintain a "C" average in the course will also be required to reimburse the County of all expenses.

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

Educational leave, with or without pay, will be reviewed by the Department Head with a recommendation to the County Manager for continued approval. An employee on approved educational leave will be expected to report to work, as normally scheduled, when not in class or performing school related functions.

Section 12. Voluntary Shared Leave: Sick/Annual Leave Transfer Form

There are occurrences brought about by prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave-without-pay. It is recognized that such employees, forced to go on leave-without-pay, could be without income at the most critical point in their work life. It is also recognized that fellow employees may wish to voluntarily donate some of their vacation or sick leave so as to provide assistance to a fellow County employee. This policy provides an opportunity for employees to assist other employees affected by a serious medical condition requiring a prolonged absence and possible loss of income due to lack of accumulated leave.

Any Permanent, Full-time employee may, at employee's option, and with supervisory approval, transfer annual and/or sick leave to another permanent Lenoir County employee.

A Permanent, Full-time Employee is defined as an individual who works for Lenoir County, receives a Lenoir County payroll check and earns Lenoir County benefits, including earning annual and sick leave. Temporary, Probationary and contract employees, who do not receive County benefits, do not meet the definition of Permanent, Full-time County employee.

The maximum amount of leave an individual employee may transfer to another employee in a calendar year is forty (40) hours. The minimum amount to be transferred is one day. The maximum amount of donated leave an employee may receive is five hundred and twenty (520) hours within a calendar year. After leave is transferred, the action is irreversible unless the action mistakenly violates this policy.

Transfer of leave from one employee to another can take place at any time during the calendar year, with the exception that no leave transfers shall be approved within (30) days of the date of an employee's resignation or separation from County government.

Transfers of sick or annual leave can only occur if the employee receiving such leave is personally seriously ill or recovering from serious illness (defined as heart attack, cancer medically necessary life-saving operations, or during or after pregnancy) and if such employee has exhausted all of his/her hours of accumulated sick, annual, compensatory, and holiday leave.

In order to receive voluntary sick or annual leave, an employee must:

- Have a serious medical condition
- Produce medical evidence to support the need for leave beyond the available accumulated leave, and
- Be approved by the Department Head, Human Resources Director, and County Manager to participate in the program.

The Privacy Act makes medical information confidential. The County cannot release confidential medical information about employees. The employee is at liberty to share as much or as little information as desired. The employee, not the County, shall be responsible for sharing and distributing a desired amount of information about a health condition in their request for donated leave.

An employee may begin using voluntary shared leave after all available sick and annual leave has been exhausted. While using voluntary shared leave, the employee continues to earn leave. When accounting for leave, the employee's annual and sick leave should be used first. Leave must be donated on a one-to-one personal basis.

An employee may not intimidate, threaten, coerce or attempt to intimidate any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving or using leave under this program. Such action shall be grounds for disciplinary action up to and including dismissal on the basis of unacceptable personal conduct.

If a recipient separates due to resignation, retirement or death from County government, participation in the program ends.

Section 13. Workers Compensation Leave:

County employees are covered by the North Carolina Workers' Compensation Act and may be eligible for Workers' Compensation leave as a result of injuries arising out of and in the course of employment. If a job-related injury results in time lost from work, the employee may be placed on Workers' Compensation leave after the required waiting period. The current waiting period is seven calendar days, during which time an employee may use their vacation, compensatory time, sick leave, or go on leave without pay. If an employee is absent for more than 21 days as a result of a work-related injury or illness, worker's compensation benefits will be retroactive to the date of the disability. **Employees absent from work under Worker's Compensation do not accrue leave and may not use accrued leave to supplement their Worker's Compensation benefits.**

Section 14. Smallpox Vaccination Leave:

The Smallpox Vaccination Leave Policy provides leave for an adverse medical reaction to smallpox vaccinations. The following provisions apply to employees who suffer adverse medical reactions due to having a work-related smallpox vaccination or having been exposed to an employee, who has had a work-related smallpox vaccination, as covered by the Workers' Compensation Act.

Lenoir County treats these employee injuries as any other workplace injury covered by the North Carolina Workers' Compensation Act, with the following exceptions:

- If an employee who is so selected voluntarily elects to take the vaccine, and, as a result of taking that vaccine, becomes ill such that absence from work is required, the employee shall be granted additional sick leave days for such absence, up to seven (7) days. Determination of whether an absence is the result of taking the vaccine is in the sole discretion of the Director of the Health Department.
- If an employee, voluntarily elects to take the vaccine and as a result of taking that vaccine becomes ill and requires medical treatment, the County will reimburse such employee any reasonable medical charges paid by such employee as a deductible or co-pay amount required by the County's insurance plan, unless such deductible or co-pay amount is payable by another insurance policy. This reimbursement will only apply to employees covered by the County's Group Health Plan. Determination of whether an illness is the result of taking the vaccine is in the sole discretion of the Director of the Health Department, or his designee.

After the first twenty-four (24) hours of absence, the county may require the employee to submit certification from a health care provider justifying the need for additional leave.

Section 15. Compensatory Leave:

In accordance with the provisions of the Fair Labors Standards Act, Lenoir County awards compensatory time (leave time) in lieu of pay except when a specific and authorized practice as set forth in the County Personnel Policy denotes otherwise. Straight time or Overtime hours worked in excess of the limits established in this paragraph must be paid hours. Compensatory time must be taken before either annual or sick leave. Employees may not bank or save Compensatory time. It should be taken within the same pay period if at all possible. Managers and supervisors will monitor the accumulation and the use of Compensatory leave. Compensatory leave may never exceed the limits established herein without prior authorization from the County Manager.

Section 16. Adverse Weather – Work Time and Absences:

In situations involving inclement weather, heavy snowstorms or other unusual weather conditions which affect the operations of County Departments, it is incumbent upon the Department Head to ensure that his or her Department is opened to the public at the usual time, unless prior notification to the contrary has been received from the County Manager's Office.

Unless a public announcement or other notice has been given that County Departments will close, employees are expected to be at work during normal working hours. The County Manager or County Manager's designee will issue any public announcements to be made. County offices and Departments shall remain open for the full scheduled workday unless authorization for early closing or other deviation from the customary schedule is received from the County Manager's Office. All Departments and Offices will be given advance notice of any authorized early closing.

A. Mandatory Operations:

It is recognized that some County operations must continue to provide services without regard to weather conditions or utility conditions. Therefore, Department Heads must predetermine and designate the mandatory operations which will remain open. At a minimum, mandatory operations shall include the Landfill, Maintenance Department, Emergency Services, the Sheriff's Office and the Detention Center. Other operations of the County may be determined essential based on the needs at the particular time.

B. Accounting For Time Not Worked:

Should an employee find weather conditions so severe to make driving conditions hazardous, arrangements for a late arrival or absence should be made with the Supervisor or Department Head. Such time out of work may be charged to annual leave, accrued compensatory time or made up in accordance with the provisions outlined below. Employees who are on prearranged annual leave or sick leave will charge leave to the appropriate account with no provisions for make-up time.

C. Make-up Provisions:

Department Heads shall make every reasonable effort to arrange schedules whereby employees will be given an opportunity to make-up lost work time as a result of Adverse Weather. For employees working a 40 hour schedule, work in excess of forty hours during a workweek constitutes overtime and make-up time should not be overtime. As a result, it may be necessary to limit make-up time to a workweek in which the employee does not work a full work schedule due to absences, such as holidays, annual, or sick leave.

Time must be made up within 12 months from the occurrence of the absence. If it is not made up within 12 months, the employee's leave balance must be charged. Adverse Weather time may be recouped from an employee's final remuneration, if the employee separates from employment without a sufficient balance of accrued leave or compensatory time to cover the absence.

Section 17. Proactive Absence Management (Pandemic Leave)

Lenoir County is committed to providing authoritative information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak. The health and safety of our employees, as well as maintaining continuity of operations for our citizens remain top priorities during any pandemic response. During any national crises or pandemic, Lenoir County will lean on the guidance and protocols of Federal and State authorities as well as guidance from the Centers of Disease Control (CDC) to ensure the County's main objectives are met:

COUNTY OBJECTIVES

- County's Primary Goal: Protect Employees and Citizens
 - ✓ Reduce the spread of disease among staff.
 - ✓ Protect people at higher risk for complications.
 - ✓ Maintain critical operations.
 - ✓ Minimize impact on residents, customers and businesses.
 - ✓ Be proactive, rather than reactive, by taking small measures to minimize future risk.

Depending on the need during any pandemic event, the County will make all leave options i.e., sick, vacation, compensatory, and adverse weather, available to all employees to the extent in which it is possible. The County Manager has the final approval for all Telecommuting request and travel guideline restrictions, as well as implementation of any "Lenoir Leave" additions. County Administration will make every effort when financially feasible to alleviate economic hardships during times of Proactive Absence Management.

ARTICLE VI

RECRUITMENT AND SELECTION

Section 1. Recruitment and Selection:

It is the goal of Lenoir County to identify and attract the most qualified and suitable applicants available for employment with the County. To achieve this goal, the County Human Resources Department will post position vacancies internally or externally and utilize available resources to evaluate all applicants in a fair and equitable manner.

Section 2. Recruitment and Selection Responsibilities:

The County Manager, Human Resources Director and Department Heads shall be responsible for ensuring that the Recruitment and Selection process for Lenoir County is fair, equitable and effective. The Human Resources Director is responsible for maintaining an active Recruitment and Selection Program which meets all policy and legal requirements, ensures equal employment opportunities, and meets the current and projected staffing needs of the County.

All County Department Heads shall notify the Human Resources Department as vacancies occur and request assistance in the recruitment process. Department Heads shall coordinate with the Human Resources Department for vacancy postings within all County Departments, the Employment Security Commission, the news media, newspapers, and internet sources.

Department Heads are responsible for the appointment and separation of employees in their respective Department and may confer with the Human Resources Department and the County Manager as needed. Department Heads may fill vacant positions authorized in the current operating budget, except when the Board of Commissioners, upon the recommendation of the County Manager, freezes a vacant position.

Section 3. Position Postings and Advertisements:

Recruitment announcements shall include a brief description of the duties of the position, the classification, the salary range or hiring range, the required knowledge, skills and abilities, minimum education and experience standards, special certifications and/or licensing requirements, a contact person, and an application closing date.

Section 4. External/Internal Recruitment Efforts:

It is the intent of Lenoir County to fill vacancies by promoting from within when possible. Lenoir County has two posting options to use when recruiting for vacant positions:

Internal: This option will allow County employees the first opportunity to apply for County vacancies prior to recruiting externally. Department Heads will post internal vacancy announcements in an area known to employees such as a centralized bulletin board or a wall where other employee and employment notices are posted. Interested candidates must submit their applications to the Human Resources Department. Vacancies which will be filled internally shall be posted for a minimum of five (5) calendar days not including weekends or holidays.

External: External recruitment efforts will always include the opportunity for any internal applicants to apply. Such recruitment announcements shall be listed with the Employment Security Commission, advertised in local newspapers, posted on the Lenoir County Website, and posted in all County Departments. External recruitment announcements shall be posted for a minimum of seven (7) calendar days not including weekends or holidays.

Section 5. Employment Application:

The Lenoir County Employment Application is the standard application form accepted for all General County Government position listings. The State Application (PD-107) is the standard application for all local government positions subject to the State Human Resources Act. All applications may be submitted to the Human Resources Department or the local Employment Security Commission Office. A separate application should be completed for each position vacancy.

Any employee who knowingly and willfully discloses false or misleading information, or conceals dishonorable military service, or conceals or omits prior employment history or other requested information may be subject to disciplinary action up to and including dismissal from employment. Dismissal shall be mandatory where the applicant discloses false or misleading information in order to meet position qualifications.

The Department Head will contact the applicant deemed most qualified and suitable for appointment and extend an offer of employment. The Department Head shall verify the status of credentials and the accuracy of statements contained in the application for each new employee within 90 days from the date of employment. The written employment offer and acceptance shall be forwarded to the County Finance Officer to be pre-audited and a copy shall be placed in the employee's official personnel record in the Human Resources Department.

Section 6. Appointments and Hiring Authority:

The County Manager must approve all new appointments, except where the final appointing authority is the responsibility of another position or board.

All Personnel Action Forms must be signed by the Human Resources Director and the County Manager prior to the effective date of the proposed action. The County Manager may approve or reject proposed appointments, and determine if the classification and starting salary are appropriate. Personnel Action Forms and related information shall be maintained in the employee's official personnel record in the Human Resources Department.

The Sheriff, Social Services Director, Health Director, Tax Administrator, Register of Deeds, and Board of Elections shall have authority for appointments to their respective Departments with the Human Resources Director and the County Manager approving the starting salary for new appointees. In accordance with North Carolina General Statute 153A-103(1), the Board of Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin, or of a person, who has been convicted of a crime involving moral turpitude.

A. Appointments are Subject to the Following Provisions:

1. If the duties of the position involve the operation of a County owned or insured vehicle, the Department Head will initiate a review of the driving record of the person to be hired prior to any offer of employment. This review will become a part of the personnel file.

2. Prior to employment, and after a conditional offer of employment, safety-sensitive employees will be required to submit to a drug test in accordance with the Lenoir County's Drug Free Workplace Policy.
3. Prior to the appointment of positions in Finance and the Tax Department, positions for which appointees must be bondable, and other positions in which the duties require the handling of large sums of money, the proposed appointee may be subject to a Credit Reference Check. Such background checks shall be conducted by Human Resources.
4. A criminal background check shall be conducted by an authorized individual on all proposed appointees prior to extending the offer of employment.
5. A thorough background check including an inquiry into the work, education, experience and training history will be conducted by the Human Resources Department, the Department Head or his or her designee, prior to the offer of employment to any applicant.
6. The Department Head or his/ her designee must verify that the appointee is legally authorized to undertake employment in the United States as required by the Department of Homeland Security, U.S. Citizenship and Immigration Services. The Department Head shall be responsible for ensuring that the USCIS Form I-9 is completed on all new hires no later than the first day of employment.

Section 7. Types of Appointments:

- A. Probationary Appointment.** Individuals receiving original appointments to permanent positions must serve a probationary period. This period provides the time for effective adjustment of the new employee or elimination of those employees whose performance will not meet acceptable standards. Persons being rehired after a 31-day break in service, shall be required to serve a new probationary period.

At any time during a probationary appointment, an employee may be separated from service for causes related to unsatisfactory performance of duties or for unacceptable personal conduct, without right of appeal or hearing. The employee must be given notice of the dismissal, including reasons.

Employment in a temporary position may be credited toward the probationary period at the discretion of the Appointing Authority. Employment in an emergency or reserve appointment may not be credited toward the probationary period.

- B. Trainee Appointment.** A trainee appointment may be made to a position in any class which includes a special provision for a trainee progression leading to a permanent appointment. An individual may not be appointed as a trainee if he/she does not possess the minimum training and experience requirements for the beginning classification of the position.

The specifications for each class in which a trainee appointment is authorized will define the minimum qualifications for a trainee appointment and the minimum qualifications for a permanent appointment. Time spent on educational leave or additional time required to participate in a work-study program designed to meet educational requirements for the class does not count as work experience.

An employee may not remain in a trainee appointment after the educational and experience requirements for the class have been met. After the employee successfully completes all educational and experience requirements, he/she shall be given a permanent appointment in the position or shall be separated.

If an employee with permanent status in another class accepts a trainee appointment, the employee's permanent status will be relinquished for the duration of the appointment. The employee can regain permanent status by successfully completing the trainee appointment, by reinstatement to the class in which he previously held, or by transferring to a position for which he would have been eligible for prior to forfeiting permanent status.

- C. **Work-Against Appointment.** When qualified applicants are unavailable and there is no trainee provision for the classification, the Appointing Authority may appoint an employee below the level of the full classification in a work-against situation. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for the full classification through on-the-job experience. The appointee must meet the minimum training and experience standards of the class to which he or she is initially appointed. A work-against appointment may not be made when qualified and suitable applicants are available who meet the training and experience requirements for the full class for the position in question.
- D. **Permanent Appointment.** A permanent appointment is an appointment to a permanently established position when the incumbent is expected to be retained on a permanent basis. Permanent status follows the satisfactory completion of a probationary and/or trainee appointment, or may be made upon reinstatement of a qualified employee.
- E. **Permanent Part-time Appointment.** A permanent part-time appointment is an appointment to an established position for an indefinite period with a work schedule totaling less than the number of hours in the regular work week for the Department. Permanent part-time employees are not eligible for benefits enjoyed by permanent full-time employees.
- F. **Time-Limited Appointment.** A time-limited appointment may be made to:
1. A permanent position that is vacant due to the incumbent's leave of absence and a replacement will be needed for a period of one year or less, or
 2. To a position that has an established duration of no more than 24 months such as a Grant funded position.

A time-limited appointment is distinguished from a temporary appointment by the greater length of time and from the regular permanent appointment by its limited duration.

- G. **Temporary Appointment.** A temporary appointment may be made to a permanent or temporary position. A temporary appointment may be part time or full time (i.e. Part-time Temporary or Full-time Temporary). The appointment shall be limited to twelve months. An appointee to a Temporary position must meet the minimum training and experience standards of the class to which he or she is initially appointed.
- H. **Emergency Appointment.** An emergency appointment may be made when an emergency situation exists requiring the services of an employee before it is possible to identify a qualified applicant through the regular selection process. When it is determined that an emergency appointment is necessary, all other requirements for appointments will be waived. An emergency appointment may be made for a period of up to sixty workdays, consecutive or non-consecutive, or a total of 480 hours in "pay status". Any one individual may not receive successive emergency appointments. At least three calendar months must elapse before the employee may serve another emergency appointment.
- I. **Reserve Appointment.** Reserves are generally past employees in good standing who are not in active service with the County, but who are available as First Responders during emergencies or otherwise when urgently needed. Reserve employees are not regularly, routinely or recurrently scheduled for work, called in to work, or assigned to work. Employees working routinely or regularly such as weekly or monthly are part-time employees (temporary or permanent) rather than Reserves. Part-time positions must be authorized, vacant, and reflected on the Department's Organizational Chart. Reserves are not counted in the Department's Full-time Equivalent (FTE) equation and are not assigned Position Numbers in the Position Management System. They are reflected on the Organizational Chart by name-only under a Column entitled "Reserves".

J. Contractual Agreement. A contract is a working arrangement by written agreement between the contractor and Lenoir County for the utilization of special skills or services as required. Lenoir County shall comply with the provisions of the Internal Revenue Service code in the determination of the employer-employee relationship.

Section 8. Probationary Period:

All Lenoir County employees, including those subject to the State Human Resources Act, shall serve an initial minimum probationary period of six (6) months. This probationary period is an orientation or training period during which employees learn a new job. In General County positions, the employee may be required to serve another probationary period if promoted or transferred to another position. A Department Head and/or Supervisor shall conduct regular employee conferences to inform the employee of their progress and performance during the probationary period. At any time prior to the end of the designated probationary period, an employee who has not achieved the desired level of performance, may be separated. Employees who complete a probationary period in a satisfactory manner will be made permanent employees and receive a one (1) step increase. Employees are eligible for only one probationary increase.

****Note:** Probationary periods vary among Departments due to differences in training requirements

Section 9. Career Status:

All County employees subject to the State Human Resources Act shall serve a total of twelve consecutive months prior to obtaining career status. The twelve-month career status period and the probationary period run concurrently. New employees who have earned career status as a result of employment in another covered entity or jurisdiction must still serve a probationary period. Once an employee has completed the probationary period and/or the twelve-month career status period, the employee gains the right to appeal any adverse action including a disciplinary demotion, disciplinary suspension without pay, a reduction-in-force or termination of employment. Employees working in a County entity governed by the State Human Resources Act may not repeat a probationary period when promoted to a higher classification or transferred within the department. The probationary period shall be extended for the amount of time the employee is on approved leave without pay. At the end of the designated probationary period or at any time prior to the completion of the twelve-month period, an employee who has not achieved the desired level of performance may be separated.

Section 10. Promotion:

Candidates for promotion shall be chosen on the basis of their qualifications and their work records. If a current County employee is chosen for promotion, the Department Head shall forward the promotion request to the Human Resources Department and County Manager with recommendations for classification and salary. The request should also include the specific reasons for promoting the employee. After considering the Department Head's recommendation, the County Manager may approve or reject the proposed appointment. The Human Resource Director and the County Manager shall determine the appropriate classification and starting salary for all promotions.

Section 11. Demotion:

A demotion is a change in job responsibility to a position of lesser responsibility and a lower salary grade. Any employee whose performance is unsatisfactory or whose personal conduct is unacceptable may be demoted, provided the employee demonstrates the ability to become a satisfactory employee in another position. An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a demotion for reasons other than unsatisfactory performance or unacceptable personal conduct. The employee must provide the request in writing to their Department Head.

Section 12. Transfer

If an employee is eligible for a transfer and wishes to be considered for an appointment to a vacant position in another Department, an application completed by the employee shall be forwarded to the Human Resources Department during the recruitment period for the position. The request for transfer may be subject to approval by the County Manager. Any employee who has successfully completed a probationary period may be transferred to the same or similar class in a different Department and may be required to serve another probationary period subject to approval by the Appointing Authority.

Section 13. Position Management

The Human Resources Department shall maintain an accurate and up-to-date Position Management System at all times. The Position Management System requires that every position be properly established and reflected on the Department's Organizational Chart. Position Action forms (LC-003) are required for new positions and Personnel Action Forms (LC-004) are required for all appointees and all changes regarding an appointee. Proposed changes in the number of positions within a Department, changes in the Classification of any position, and changes in the salary for all positions must be approved by the Human Resource Director and the County Manager prior to the effective date of the action.

ARTICLE VII
CONDITIONS OF EMPLOYMENT

Section 1. Code of Ethics:

It is the responsibility of Lenoir County employees to ensure that all citizens and co-workers are treated with dignity and respect without regard to race, sex, age, religion, disabilities, political beliefs, economic conditions, or national origin. Employees shall conduct themselves in accordance with widely accepted professional standards of behavior and shall perform their duties in compliance with laws, statutes, and regulations relevant to the operations of Lenoir County.

Section 2. Work Week:

The workweek for Lenoir County Government begins at 12:01 am Sunday through 12:00 midnight on Saturday for all employees. The normal workday shall be 7 ½ hours and the standard operating schedule for County offices shall be Monday through Friday continuously from 8:30 am to 5:00 pm excluding Holidays authorized by the Board of Commissioners and emergency closings authorized by the County Manager. One hour is allotted for lunch. Exceptions to the standard operating schedule may be made if authorized by the County Manager. The standard operating schedule shall not apply to “on call” personnel or those County Departments which operate on a different schedule.

Statutory Reference: G.S. 153A-94

Section 3. Emergencies:

County employees, as a condition of their employment, shall be available for work during emergency situations. Unless exempt under the Fair Labor Standards Act, employees shall be given compensatory time for work required during emergencies. Acting upon advice from the County Manager or the Emergency Services Director, the Chairman of the Board of Commissioners will declare emergency conditions. Once an emergency condition is declared, an employee is required to report to the appropriate authority to ascertain the need for his/her services. Failure to comply with direct orders pertaining to emergency/disastrous situations may result in disciplinary actions up to and including dismissal.

Section 4. Gifts, Tips, Favors and Gratuities:

Lenoir County officials and employees shall not accept monies, gifts, favors, gratuities, or other things of value which may influence or appear to have the capacity to influence that official or employee in the discharge of his or her duties. No County official or employee shall accept any gift, whether in the form of a service, loan, item, or promise from any person, firm or corporation, who in the official's or employee's knowledge, is interested directly or indirectly in business dealings with the County. No County official or employee shall grant any improper favor, service or other thing of value in the discharge of duties.

Section 5. Conflict of Interest:

Lenoir County employees shall conduct themselves in their public employment and in their personal transactions in such a manner as to merit public confidence in their performance and profession. Employees are prohibited from engaging in any public or private activity which presents a conflict of interest or which could be reasonably interpreted as a conflict of interest.

Conflict of interest is defined as any condition, circumstance, event or transaction in which a public employee's prospect of actual or potential personal gain results in the public employee acting in his or her own interest rather than in the public interest. Even when the potential for personal gain seems remote, the mere appearance of a conflict between public and private interests may undermine public confidence in the County, its administrators, and employees. Therefore, it is imperative that employees and administrators avoid conduct and situations that could represent the pursuit of personal gain at the expense of or in conflict with the public interest.

Employees shall not use County supplies, equipment, vehicles or facilities for any private enterprise or personal convenience. Equipment, supplies, materials and tools purchased by and for County business may not be removed from the County premises except where authorized in the conduct of official duties.

Employees and officials shall not disclose to others, or use to further their personal interests, any confidential information acquired by them in the course of their official duties. Employees shall not endorse commercial products or services or any private enterprise where there exists, directly or indirectly, a personal or family economic interest, whether or not such endorsement is for compensation. Employees shall not grant any special considerations, treatment or advantage to any citizen or public or private entity beyond that which is available to every other citizen or entity.

Participation by an employee in a sexual or romantic relationship or in any way soliciting or encouraging such a relationship with a client, shall be grounds for the immediate termination of employment for reasons of unacceptable personal conduct. Employees shall not invest nor hold any investment directly or indirectly in any financial business, commercial or private enterprise that creates a conflict or is incompatible with their official duties. Employees may purchase products and services from companies affiliated with the County so long as the employees do not use their employment with the County as the basis for eligibility for discounts, loans, favors or other personal benefits not routinely available to customers of those companies. Employees are specifically prohibited from giving or lending money or other items of value to any client and from borrowing or receiving money or other items of value from any client.

Section 6. Political Activities:

Employees may engage in political activities away from work and outside of working hours in accordance with state and federal laws. Political activity by an employee during working hours or while in the service of the county and use of county supplies and equipment for political purposes is strictly prohibited. Employees shall not coerce or compel contributions for political purposes. Employees shall not use or give the impression of using official authority or influence for purposes of interfering with or affecting the result of an election or nomination for office.

Local Government Employees subject to the State Human Resources Act and employees in certain federally aided programs are subject to the Hatch Act, as amended. This federal act, in addition to prohibiting activities as set forth in all above, also prohibits candidacy for elective office in a partisan election.

Section 7. Drug Free Workplace:

The purpose of this policy is to promote and maintain a drug free environment in the workplace and to protect County employees and the public by ensuring that employees are fit to perform their assigned duties. Employees in certain safety-sensitive positions are governed by special state and/or federal regulations in regard to drug-free workplace requirements, including such actions as random drug testing. All County employees including regular full-time, part-time, temporary, contracted employees, as well as applicants for employment, are subject to the County's zero- tolerance drug-free workplace policy.

Definitions:

"Reasonable Suspicion": A belief based on specific objective facts and rational inferences drawn from those facts that an employee has consumed or is under the influence of illegal drugs while at work. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to: direct observation of drug use and/or the physical symptoms of being under the influence of a drug; a report of an employee's drug use while at work provided by a reliable and credible source; a pattern of unexplained preventable accidents and/or information based on specific objective facts that an employee has caused, or contributed to, an accident at work while under the influence of drugs; or evidence that an employee is involved in the unauthorized possession, sale, solicitation or transfer of drugs while working or while on the County's premises or operating or in possession of a County vehicle.

"Approved Laboratory": A laboratory certified by the National Institute on Drug Abuse (NIDA) and meets the requirements of N. C. General Statute Section 95-231(1) to perform drug screening or testing.

Prohibited Conduct:

The following conduct is prohibited under this policy:

- (a) The use, consumption, possession or storage, manufacture, distribution, dispensation or sale of alcohol, controlled substances, illegal drugs or drug paraphernalia on County premises or any County work area, in County vehicles, or while on County business.
- (b) Reporting to work or working on County premises or any County work area, in County vehicles, or conducting County business while under the influence of illegal drugs, non-prescribed drugs or alcohol.
- (c) The use or possession of alcohol or illegal drugs off County premises and while not on duty where such conduct could likely have a direct and material adverse impact on the County's interests, including public image.
- (d) Conviction of selling prescription or illegal drugs or of possession with intent to sell prescription or illegal drugs at any time or place.
- (e) Failure to notify the County of any arrest or conviction under any criminal drug or alcohol statute by the next workday following the arrest or conviction.
- (f) Failure to notify the employee's Supervisor, before beginning to work, that the employee is taking prescription or over-the-counter drugs which may interfere with the safe and effective performance of duties.
- (g) Refusal to immediately submit to an alcohol and drug test when requested by a Supervisor, in accordance with this policy.
- (h) Failure to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled as a condition of continued employment.
- (i) Tampering with or obstruction of a drug or alcohol test being administered by or for the County.

The foregoing is not intended to be an exhaustive list of conduct prohibited by this policy.

Drugs to be Tested:

When drug screening is required under the provisions of this policy, a blood, urine, or breath test will be conducted to detect the presence of drugs, including but not limited to: amphetamines, alcohol, barbiturates, benzodiazepines, cocaine, methaqualone, opiates, phencyclidine (PCP), propoxyphene, THC (Marijuana), and any other controlled substance as defined in North Carolina General Statute Section 90-87(5), as amended. For purposes of this drug testing policy, alcohol is considered a drug. Any employee found to have abused prescription drugs would also be subject to the terms and conditions of this policy.

Prescription Medication Use:

Employees using medications prescribed by a physician that have stated side effects with the potential to significantly affect or impair work performance, shall be responsible for notifying their Supervisor of such potential. An employee need not give the Supervisor specific medical information, but the employee should inform their Supervisor of the potential impact of any medication on job performance to allow the Supervisor to evaluate and determine the appropriate course of action.

Supervisors shall monitor employee behavior and assess possible warning signs indicating that the employee's work performance, while under the influence of prescribed medication is impaired or is causing an unsafe work environment for the employee, his or her coworkers, or the public. If there is cause for serious concern with regard to the employee's behavior or performance, the employee shall be advised to take a leave of absence using accrued sick, annual, or compensatory leave, if applicable, or leave without pay if all paid leave has been exhausted pursuant to any applicable County policy for all time away from work, until such time the employee can safely return to work.

Applicant Testing:

Applicants selected for employment will be provided with written notification of the County's drug testing policy and the testing provisions of this program. A pre-employment drug test may be conducted on all applicants offered positions with Lenoir County. Applicants may be formally notified in an offer letter that their employment with Lenoir County will be contingent upon negative test results.

Applicants scheduled for a pre-employment drug test will be asked to sign a consent form authorizing a drug test and permitting release of the test results to County officials with a need to know. A job applicant who refuses to consent to a drug test will be denied employment.

The County Manager may waive pre-employment drug testing in cases of temporary employment or part-time employment except for person(s) required to have a Commercial Driver's License (CDL), or for persons performing transit-related or safety-sensitive functions.

Current Employee Testing:

Department Heads who have reasonable suspicion (as defined herein) that an employee in his/her department is using or under the influence of drugs, is authorized to schedule a drug test and require the employee to cooperate fully with testing personnel.

Before a drug test is administered, the Department Head shall ask the employee to sign a consent form authorizing the test and permitting release of test results to County officials with a need to know. The consent form shall also set forth the following information:

- (a) The procedure for confirming an initial positive test result;
- (b) The consequences of a positive test result;
- (c) The right of an employee to explain a positive drug test result and the applicable appeal procedures and
- (d) The consequences of refusing to undergo a drug test.

An employee who refuses to consent to a drug test, when reasonable suspicion of drug use has been identified and documented, will be recommended for, and is subject to, dismissal.

An employee must submit to a drug test following an on-the-job accident or other occurrence that involves one or more of the following events: 1.) a citation under state and local law for a moving traffic violation arising from the accident is given; 2.) evidence of impairment is witnessed; 3.) substantial damage to vehicles or other property in excess of \$5,000, or; 4.) immediate emergency care away from the scene is given. An employee may also be tested after a series of minor on-the-job accidents or injuries as determined by the Department Head.

Personnel exempt from this provision are Law Enforcement Officers, Emergency Service Personnel, Fire, Highway and Street professionals.

The Test:

Tests will be made in accordance with Article 20 of Chapter 95 of the North Carolina General Statutes and other applicable laws. A urine, breath, and/or blood test will be used to determine the presence of drugs. A certified toxicologist of the approved laboratory will determine the content level of each substance needed to determine whether an employee has consumed or is under the influence of a drug. All personnel involved with the sample collection, transporting and testing, will maintain a strict chain of custody.

If a test result is positive, the Human Resources Director and/or Department Head will notify the employee or applicant in writing. The letter of notification shall identify the particular substance found. Such an applicant or employee shall have the right to request a retest as provided by N. C. General Statute Section 95-232(f), as amended.

Consequence of a Positive Test Result:

An applicant shall be denied employment if his/her drug test is positive. An employee who has a positive drug test result will be subject to disciplinary action up to and including dismissal.

Use of Results in Criminal Action:

No test results of the County's drug testing program may be used as evidence in a criminal action against the employee or job applicant except by order of a court of competent jurisdiction or otherwise as required by law.

Notification of Conviction:

Employees shall notify his or her Supervisor of any charge or conviction for being in violation of any criminal drug statute no later than two days after being charged or convicted with a drug violation. The County may place an employee who has been charged with violating a crime involving drugs on Investigation with Pay until such time as pertinent details have been researched. Department Heads will research the circumstances and make a decision based upon available facts.

Additional Standards:

All applicants for and all employees in positions subject to the provisions of the North Carolina Criminal Justice Training and Standards Council will be subject to the drug testing policies and procedures of the Council.

Various federal laws require drug testing of certain safety sensitive employees who must meet CDL requirements or who operate or maintain transit vehicles purchased with federal funding. A copy of relevant federal laws will be maintained in the Lenoir County Human Resources Department. Such tests will be conducted in accordance with federal guidelines and will include the following:

- (a) Pre-employment testing for controlled substances prior to a date of hire;
- (b) Random testing of the CDL drivers/safety sensitive employees;
- (c) Testing upon reasonable suspicion of alcohol or drug use;
- (d) Post accident testing within four hours of an accident that involves:
 - (1) A fatality; or
 - (2) The County driver receiving a citation, or contributing to the cause of the accident, or the accident results in any personal injury, or the accident results in property damage, or the vehicle is required to be towed from the scene;
- (e) The removal of employees from safety-sensitive duties following a positive drug test;
- (f) Return to duty testing following a positive test for controlled substance;
- (g) Treatment follow-up including unannounced testing at specific intervals during treatment and at the end of treatment.

An employee who tests positive for controlled substance(s) will be removed from the safety sensitive duties immediately. The employee will be subject to the provisions as set forth in the County Drug Testing policy applicable for all employees. Failure to comply with this policy will result in termination of employment.

Inspections and Searches:

When there is reasonable suspicion, the County reserves the right to search employer-owned items used by employees (e.g., desks, lockers, vehicles, equipment, etc.), and employees should not expect privacy in these containers. The employee's Supervisor or Department Head and a witness may conduct search efforts.

Enforcement:

Department Heads are responsible for the proper application of the procedures in their departments and for holding Supervisors accountable for the daily implementation of this policy. Department Heads and Supervisors shall be responsible for identifying abuse-related behavioral and performance problems, following the proper referral for testing, and taking appropriate disciplinary measures. Failure to take action when the Supervisor has reasonable cause to believe an employee is impaired while at work will result in disciplinary action being taken against the Supervisor. If in doubt about what action to take, the Supervisor should consult with the Department Head or the Human Resources Director. Every effort shall be made to protect the privacy, confidentiality, and dignity of employees by minimizing the number of employees who learn of suspicions involving a co-worker's possible substance abuse or actions taken against that employee.

Alcohol and drug free workplace issues in the Sheriff's Office will be the responsibility of the Sheriff. The Sheriff will be responsible for reporting tests results as required to the North Carolina Sheriff's Education and Training Standards Commission.

Section 8. Personal/Professional Demeanor:

Employees are required to keep themselves neat, clean and groomed in a professional manner. Employees shall present a professional appearance appropriate to their position, proper for the work activity and in a manner which reflects favorably upon the County. Employees shall by virtue of their speech, dress, and mannerisms promote an atmosphere of respect for the general public and fellow employees.

Section 9. Dress Code:

Each County employee is expected to present themselves in a professional manner and should consider their attire for appropriateness. While each employee is allowed to use reasonable judgment to determine what appropriate professional attire is, the Department Head or designee has the authority to deem dress or appearance unprofessional and can require the employee to immediately make changes in dress or appearance. Employees that consistently abuse the Dress Code Policy are subject to disciplinary action up to and including termination of his/her employment. Department Heads and Supervisors are encouraged to discuss overall expectations in regards to appropriate work attire and assist employees in understanding what is not acceptable. Department Heads, upon receiving prior approval from the County Manager, may modify the above-referenced policy for special occasions.

Section 10. Solicitation:

Lenoir County prohibits solicitation for the sale of goods or services by employees or others on premises or equipment including computers, notebooks, smart phones, and cell phones owned or operated by the County. Employees are not allowed to solicit donations for the Department or program they represent, or the County, without the knowledge and approval of their Supervisor, Department Head, and County Manager. All solicited funds or merchandise solicited on behalf of the County must be submitted to the County Finance Officer. No solicited funds are to be maintained outside the County's accounting system.

Section 11. Possession of Firearms, Weapons:

Employees are prohibited from the possession of firearms, weapons, or any items that may be used as weapons on property owned or operated by the County. The storing of such items on County owned or operated property or transporting such items in either County vehicles or personal vehicles, while on County related business, is strictly prohibited and will be grounds for disciplinary action up to and including dismissal. This provision does not apply to sworn law enforcement officers acting in their official capacity.

Section 12. Internet Use Policy:

Internet and computer network access is available to authorized employees of the County. The goal of the County in providing this service is to promote performance by facilitating research, resource sharing, innovation and communication as outlined in the policy. Internet service and e-mail are considered County property and are provided solely to facilitate official County business. Every employee has an obligation with respect to use of Internet and e-mail, to enhance the public image of the County.

As a condition of providing Internet access to its employees, the County places certain restrictions on workplace use of the Internet. The following uses of Internet access provided by the County are expressly prohibited. This list is intended to be for purposes of illustration only, and is not an exhaustive list of all prohibited uses:

- Copying, disseminating or printing of copyrighted materials, including articles and software, in violation of copyright laws;
- Downloading unauthorized software or any software not registered to the County;
- Sending, receiving, printing or otherwise disseminating proprietary data or confidential information in violation of federal law, state law, County policy or proprietary agreements, including but not limited to protected health information under HIPAA;
- Using offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, age, disability, religious or political beliefs or other legally protected basis;

- Transmit, forward, or download material that is offensive, abusive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, inflammatory, fraudulent, or otherwise unlawful;
- Operating a business, soliciting money for personal gain or searching for other employment;
- Sending chain letters, gambling or engaging in any other activity in violation of local, state or federal law;
- Gaining access to the Internet by using any access-control mechanism not assigned to the particular user, or permitting another person to have access to the Internet by using the employee's assigned access-control mechanism;
- Gaining or attempting to gain unauthorized access to any computers, computer networks, databases, data or electronically stored information;
- Using, transmitting, changing or deleting another user's files or software without permission;
- Introducing destructive software or programs such as computer viruses, Trojan horses or worms into any computer, computer system or network; or
- Using access for personal use unrelated to assigned duties.

Passwords:

Creation

1. All user and admin passwords **MUST be at least 14 characters** in length. Longer passwords and passphrases are **STRONGLY** encouraged.
2. Passwords **MUST** be completely unique
3. Not be a dictionary word or proper name
4. Not be the same as the User ID

Protection

1. Passwords must not be shared with anyone (including coworkers and supervisors), and must not be revealed or sent electronically.
2. Passwords should not be written down or physically stored anywhere in the office.

Electronic Mail:

As part of the Internet Access provided by the County, employees may be given e-mail capabilities. The County encourages the use of e-mail for any purpose identified as a permitted use in this policy. However, the County, solely for official use, provides e-mail accounts. E-mail may not be used in connection with any prohibited activity identified in this policy or for personal use.

The following specific restrictions apply to the use of e-mail provided by the County to its employees:

- Employees shall not use e-mail accounts provided by the County to subscribe to, submit messages to or read messages from Internet Mailing Lists, Discussion Groups or News Groups that are of purely personal interest and not related to the County's business;
- All e-mail transmissions using e-mail access provided by the County must contain the first and last name of the sender;
- Unauthorized password protection or encryption is prohibited. Passwords or encryption keys must be made available to the County so that the County can have access to any transmission or stored data;
- Use Lenoir County Government e-mail or computer system to solicit or encourage other employees to join, support, or contribute to any outside organization other than charitable organizations sponsored by the County;
- Use Lenoir County Government e-mail or computer system to send personal invitations.

World Wide Web:

As part of the Internet access provided by the County, employees may have access to the vast resources of the World Wide Web. In addition to the restrictions and prohibitions generally outlined in this policy, the following restrictions apply to use of World Wide Web:

- Employees using Internet access provided by the County may not access any service for which there is a fee or conduct any purchase without prior authorization from the County or the employee's Supervisor;
- Employees may not use Internet access provided by the County to maintain personal Websites or Web pages;
- Employees should use any storage access with which they may be provided for County-related files only. Duplicative, outdated, or unnecessary files should be deleted when possible;
- Write or participate in blogs that injure, disparage, and/or defame the County, its citizens, its competitors, and/or its employee's reputations by name or implication.

Audits:

E-mail and Internet activity provided by the County and any stored data on systems and equipment provided by the County are subject to auditing and inspection. Employees should be aware that they have no right or legitimate expectation to privacy with respect to data stored on computer networks, systems or other electronic devices provided by the County, or any data received or transmitted by means of Internet access, or e-mail provided by the County. To support identification, termination, and prosecution of unauthorized activity, electronic auditing may be implemented within all County networks that connect to the Internet or other publicly accessible networks. These electronic audit mechanisms may be capable of recording:

- Access to the system, including successful and failed log-in attempts and log outs.
- Inbound and outbound file transfers.
- Terminal connections to and from external systems.
- Sent and received e-mail messages.
- Web sites visited, including uniform resource locator (URL) of pages retrieved.
- Date, time and user associated with each event.

Supervisory Responsibility:

All County Department Heads and other County employees with supervisory responsibilities shall be responsible for ensuring appropriate Internet use for all employees under their direction.

Virus Protection:

All employees of the County with e-mail or Internet access must exercise caution to avoid the introduction of computer viruses or other destructive files or programs into their computers or the network. Precautions, which should be taken, include the following:

- Employees should not download e-mail attachments from unknown senders.
- Employees should exercise caution when downloading files from the Internet. When downloading files, other than those from an official government server, employees should look for a statement at the site stating that an anti-virus program has checked its files. If the files have not been checked or if the employee is not sure, then he or she should either download the file to a disk or drive and have it scanned with anti-virus software or not download from the site.
- Before uploading or sending any file or program which has been transferred by disk or drive from a computer outside the County network, an employee shall take reasonable precautions to ensure that the disk, file or program is free of any virus or other destructive file or program.

Violations of County Policy:

Disciplinary action for violation of the County's Internet Use Policy may include, but is not limited to, termination, suspension or demotion of the offending employee. In cases involving less serious violations, disciplinary action may consist of a warning or reprimand. Remedial action may also include counseling, changes in work assignments or other measures designed to prevent future misconduct. The measure of discipline will correspond to the gravity of the offense as weighed by its potential effect on the County and fellow employees, and/or whether the offense violates any federal, state or local laws, rules or regulations.

Section 13. Telephone/Cellular Telephone Policy:

Telephone access is available to authorized employees of the County. Telephones are considered County property and are provided solely to facilitate official County business. Every employee has an obligation, with respect to use of telephones, to enhance the public image of the County.

As a condition of providing telephone access to its employees, the County places certain restrictions on workplace use of the telephones, personal cellular phones, and County-issued cellular phones for personal use during working hours. This policy is designed to inform employees of the permitted uses of telephones provided by the County and personal cellular phones, and the restrictions placed on such use.

Permitted Uses:

- Communicate with citizens, fellow employees, or other outside sources related to official County business;
- Acquire information related to facilitate the performance of regular assigned duties;
- Facilitate performance of any task or project in a manner approved by an employee's Supervisor.

Prohibited Activities:

The following uses of telephone access provided by the County are expressly prohibited (this list is not an exhaustive list of all prohibited uses):

- Sending or receiving of confidential information in violation of federal law, state law or County policy, including but not limited to protected health information under HIPAA;
- Using offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, age, disability, religious or political beliefs or other legally protected basis;
- Sending, receiving or soliciting sexually oriented messages or images;
- Operating a business, soliciting money for personal gain or searching for other employment;
- Gambling or engaging in any other activity in violation of local, state or federal law;
- Permitting another person to have access to the telephone by using the employee's assigned telephone;

Cellular Phones:

Cell phones are furnished to certain employees in connection with their duties. Lenoir County Government requires the safe use of its cell phones by employees while conducting business. Employees should not use cell phones while driving because of safety concerns, but should instead pull to the side of the road to make or receive telephone calls. If unable to pull over or stop prior to receiving a cell phone call, employees should utilize a hands-free device for increase safety, keep the business conversation brief, and immediately locate a safe area to park. Lenoir County Government does not permit employees to drive while using a hand-held cell phone.

During work time, employees need to limit personal use of cell phones in the same way they need to limit personal use of their office telephones. Employees should set personal cell phones on the silent ring mode during work hours to avoid disturbing those working around them. Employees that have excessive cell phone usage for personal calls will be subject to corrective action up to and including termination.

Audits:

Employees of the County should be aware that telephone activity on access provided by the County is subject to auditing and inspection by the County. Employees should be aware that they have no right or legitimate expectation to privacy. To support identification, termination, and prosecution of unauthorized activity, auditing may be implemented within all County networks.

Supervisory Responsibility:

All County Department Heads and other County employees with supervisory responsibilities shall be responsible for ensuring appropriate telephone and cellular telephone use for all employees under their direction.

Violations of County Policy:

Disciplinary action for violation of the County's Telephone/Cellular Policy may include, but is not limited to, termination, suspension or demotion of the offending employee. In cases involving less serious violations, disciplinary action may consist of a warning or reprimand. Remedial actions may also include counseling, changes in work assignments or other measures designed to prevent future misconduct. The measure of discipline will correspond to the gravity of the offense as weighed by its potential effect on the County and fellow employees, and whether the offense violates any federal, state or local laws, rules or regulations.

Section 14. Prohibited Use of County Property:

Lenoir County equipment, including filing cabinets, bookcases, desks, storage containers, electronic data processing equipment, furniture, vehicles, and all other equipment available to or assigned to employees are intended for the official use and in the completion of assigned tasks of County employees. Department Heads and, as appropriate, other designated employees may have unrestricted and unlimited access to this equipment and furniture and their contents at any time, for any reason. Each employee is advised to use caution and sound judgment concerning the placement of personal items in offices, desks, equipment, and other property of the County. The County assumes no responsibility for missing personal items. Employees are strictly prohibited from co-mingling personal records or property with official County records or property. Under no circumstances shall an employee store illegal drugs or alcohol, flammable materials, explosives, weapons, or any items intended for use as weapons in one's office or other official environment. Upon reasonable suspicion of possession of illegal substances or weapons, personal storage spaces may be subject to search and seizure by law enforcement officers. Any violation of this policy will result in disciplinary action, up to and including, termination of employment.

Section 15. Confidentiality:

No employee or official shall use or disclose information gained in the course of employment or by reason of position for purposes of advancing a financial or personal interest, a business entity in which there is an ownership interest, a financial or personal interest of a household member or a family member, or any other private or political interest. No employee or official shall disclose confidential or privileged information concerning personnel matters, property, contract negotiations, litigation related matters or other affairs of the County, which are afforded protection under State law. A violation of confidentiality shall be grounds for immediate dismissal for reasons of unacceptable personal conduct.

Section 16. Risk Management:

Any County employee having knowledge of or a reason to know of a potential issue which may become problematic or may result in some form of litigation for the County, must notify their immediate Supervisor who in turn, shall notify the Department Head. Such issues include, but are not limited to, reports or threats of litigation, and any other situation which may present a potential liability to the County. County employees shall not testify in court without a valid subpoena or court order, or as directed by their Department Head.

Section 17. Fraudulent Activity:

Lenoir County Administration and all levels of management are responsible for the prevention and detection of fraud, misappropriations, and other inappropriate conduct. Fraud is defined in this policy as a willful or deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Any fraud that is detected or suspected will be reported immediately to County Administration, which will conduct an objective and impartial investigation into the fraudulent activity, along with other applicable departments and/or law enforcement agencies, as deemed necessary or appropriate. Any individual found to have engaged in fraudulent activity, as defined by this policy, is subject to disciplinary action by Lenoir County, which may include dismissal, as well as prosecution by appropriate law enforcement authorities and any other civil remedies allowed by law.

Actions Constituting Fraud

As used in this policy, the term “fraud” includes, but is not limited to, the following:

- Any dishonest or fraudulent act;
- Forgery or alteration of a check, bank draft, or any other financial document or account;
- Misappropriation of funds, securities, supplies, or other assets;
- Impropriety in the handling or reporting of money or financial transactions;
- Accepting or seeking anything of material value from vendors, contractors, or other persons providing services/material to the County;
- Using County funds to make unauthorized purchases;
- Authorizing or receiving compensation for hours not worked;
- Any similar or related inappropriate conduct.

Other Inappropriate Conduct

Suspected improprieties concerning an employee’s moral, ethical, or behavioral conduct should be resolved by departmental management and Human Resources.

Lenoir County will not retaliate against a whistleblower

No person acting on behalf of the County shall:

- Dismiss, or threaten to dismiss, any employee;
- Discipline, suspend, or threaten to discipline or suspend an employee;
- Impose any penalty upon an employee; or
- Intimidate or coerce an employee

Because the employee has acted in accordance with the requirements of this policy. However, it shall also be a violation of this policy for any informant to make a baseless allegation of fraudulent activity that is made with reckless disregard for truth and that is intended to be disruptive or to cause harm to another individual. Any violation of this section will result in disciplinary action which may include dismissal. Persons reporting suspected fraudulent activity should refrain from confrontation with the suspect and should not discuss the matter with others unless specifically asked to do so by County Administration.

Section 18. Smoking Policy:

Smoking is prohibited in any portion of any indoor facility owned or leased by the County and in any vehicle owned or leased by Lenoir County. Employees are prohibited from smoking in a personal vehicle while transporting clients or citizens within the County. Exterior space is available for smoking at County facilities.

Section 19. Safety:

The County is committed to providing a safe and healthy workplace for all its employees. The County complies with all applicable requirements issued by the Federal and State Occupational Health and Safety Administration (OSHA). Management and all employees working in the County share the responsibility for the success of the safety and health program. The objective of the safety and health program is to reduce or eliminate disabling injuries and illnesses. It is the policy of the County to exercise all precautions necessary to protect employees from accidents. Employees are expected to take an active role in promoting workplace safety. If an employee witnesses an accident or an unsafe working situation, he or she must report it promptly to his or her Supervisor, Department Head, or the County Human Resources Director. Employees should take note of the location of fire extinguishers, first-aid kits, and emergency exit for their Department. For additional information on safety and health procedures, employees should contact the Human Resources Department.

Employees shall follow the safety policies and procedures of Lenoir County. Employees shall attend safety training programs, as required, and immediately report all work-related injuries or occupational diseases to their Supervisor or Department Head. Employees who violate the County's safety policies and procedures shall be subject to disciplinary action up to and including dismissal.

Occupational Safety and Health Act

It is the policy of Lenoir County to comply with the 1970 Occupational Safety and Health Act (OSHA). Safety is the responsibility of every employee in County Government. Safety precautions should be in place in each Department of the County. The Safety Committee, Human Resources Director, and Emergency Services Director shall establish or approve any policies and procedures relative to compliance with OSHA.

Section 20. Americans with Disabilities Act:

It is the policy of Lenoir County to comply with the Americans with Disabilities Act of 1990. Lenoir County is committed to the principle that there shall be no discrimination against any qualified individual with a disability or disabilities in regard to employment application policies and procedures, hiring, advancement, training opportunities, compensation, disciplinary action, reduction-in-force, and other terms or privileges of employment.

Title I of the Americans with Disabilities Act protects qualified individuals with disabilities from employment discrimination and prohibits an employer from retaliating against an applicant or employee for asserting his rights under the ADA. The Act also makes it unlawful to discriminate against an applicant or employee, whether disabled or not, because of the individual's family, business, social or other relationship or association with an individual with a disability.

Who is Protected?

Under the ADA, a person has a disability if he/she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment, and people who are regarded as having a substantially limiting impairment. To be protected under the ADA, an individual must have a record of, or be regarded as, having a substantial disability as opposed to a minor impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning, or walking.

The Americans with Disabilities Act Amendments Act of 2008 expands the definition of “major life activities” where new activities not formally recognized by the EEOC, are now considered. Some of those activities include communicating, bending, reading, and major bodily functions such as the immune system, normal cell growth, digestive system, neurological and circulatory complications.

The Americans with Disabilities Act Amendments Act of 2008 also states that “mitigating measures” shall not be considered in assessing a disability. Medications, medical supplies and equipment appliances can no longer be used to determine whether the applicant or employee has a disability. The exception to this rule is regular eyeglasses or contacts. The Amendments Act of 2008 clarifies that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active, such as cancer and migraines.

In order to be protected by the ADA, an individual with a disability must be qualified to perform the essential functions of the job with or without reasonable accommodation. This means that the applicant or employee must:

- Satisfy the job requirements for educational background, employment experience, skills, licenses and any other qualification standards that are job related; and
- Be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

The ADA does not interfere with management’s right to hire the best-qualified applicant. Nor does the ADA impose any affirmative actions obligations. The ADA simply prohibits management from discriminating against a qualified applicant or employee because of his or her disability.

How Are Essential Functions Determined?

Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodations. Each job should be examined to determine which functions or tasks are essential to performance.

Factors to consider in determining if a function is essential include:

- Whether the reason the position exists is to perform that function
- The number of other employees available to perform the function or among whom the performance of the function can be distributed, and
- The degree of expertise or skill required to perform the function.

Judgment as to which functions are essential and a written job description prepared before advertising or interviewing for a job will be considered by the Equal Employment Opportunity Commission (EEOC) as evidence of essential functions. Other kinds of evidence that EEOC will consider include:

- The actual work experience of present or past employees in the job
- The time spent performing a function
- The consequences of not requiring that an employee perform a function
- The terms of a collective bargaining agreement.

What Are Obligations in Providing Reasonable Accommodations?

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

Reasonable accommodation may include:

- Acquiring or modifying equipment of devices
- Job restructuring
- Part-time or modified work schedules
- Reassignment to a vacant position
- Adjusting or modifying examinations, training materials or policies
- Providing readers and interpreters
- Making the workplace readily accessible to and usable by people with disabilities.

Reasonable accommodations also must be made to enable an individual with a disability to participate in the application process and to enjoy benefits and privileges of employment equal to those available to other employees.

It is a violation of the ADA to fail to provide reasonable accommodations to the known physical or mental limitations of a qualified individual with a disability, unless to do so would impose an undue hardship on the operation of the Department. Undue hardship means that the accommodation would require significant difficulty or expense.

What is the Best Way to Identify a Reasonable Accommodation?

When a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is obvious. The individual may suggest a reasonable accommodation based upon his/her own life or work experience. However, when the appropriate accommodation is not readily apparent, management must make a reasonable effort to identify one. Consultation, on an informal basis, with the applicant or employee about potential accommodations that would enable the individual to participate in the application process or perform the essential functions of the job would likely serve as the best avenue to identify proper and reasonable accommodations.

When Does a Reasonable Accommodation Become An Undue Hardship?

It is not necessary to provide a reasonable accommodation if doing so would cause an undue hardship. Undue hardship means that an accommodation would be unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of a Department. Among the factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the employer's size, financial resources, and the nature and structure of its operation.

If a particular accommodation would be an undue hardship, Department Heads and Supervisors must attempt to identify another accommodation that will not pose such a hardship. If cost causes the undue hardship, Department Heads and Supervisors must also consider whether funding for an accommodation is available from an outside source. Department Heads and Supervisors must also give the applicant or employee with a disability the opportunity to provide the accommodation or pay for the portion of the accommodation that constitutes an undue hardship.

Medical Examination and Questions about an Individual's Disability

It is unlawful to:

- Ask an applicant whether she/he is disabled or about the nature or severity of a disability
- To require the applicant to take a medical examination before making a job offer.

Applicants may be asked about the ability to perform job-related functions, as long as the questions are not phrased in terms of a disability. Applicants may be requested to describe or to demonstrate how, with or without reasonable accommodation; the applicant will perform job-related functions.

After a job offer is made and prior to the commencement of employment duties, Department Heads may require that an applicant take a medical examination, if everyone who will be working in the job category must also take the examination. The Department Head may condition the job offer on the results of the medical examination. Once an applicant is hired, the Department Head cannot require a medical examination or ask an employee questions about disability unless he/she can show that these requirements are job related and necessary for the conduct of the business operation. Voluntary medical examinations that are part of an employee health program may be conducted.

The results of all medical examinations or information from inquiries about a disability must be kept confidential, and maintained in separate medical files.

Use of Illegal Drugs:

Anyone who is currently using drugs illegally is not protected by the ADA and may be denied employment or terminated on the basis of such use. The ADA does not prevent employers from testing applicants or employees for current illegal drug use, or from making employment decisions based on verifiable results. A test for the illegal use of drugs is not considered a medical examination under the ADA; therefore, it is not a prohibited pre-employment medical examination and Department Heads will not have to show that the administration of the test is job related and consistent with business necessity. The ADA does not encourage, authorize, or prohibit drug tests.

ADA Enforcement and Remedies:

The Equal Employment Opportunity Commission will enforce the provisions of the ADA. Individuals who believe they have been discriminated against on the basis of their disability can file a charge with the Commission at any of its offices located throughout the United States. A charge of discrimination must be filed within 180 days of the discrimination.

The Commission will investigate and initially attempt to resolve the charge through conciliation, following the same procedures used to handle charges of discrimination filed under the Title VII of the Civil Rights Act of 1964. The ADA also incorporates the remedies contained in Title VII. These remedies include hiring, promotion, reinstatement, back pay, and attorneys' fees. Reasonable accommodation is also available as a remedy under the ADA.

Section 21. Age Discrimination Act:

The Age Discrimination in Employment Act of 1967 (ADEA) protects certain applicants and employees 40 years of age and above from discrimination on the basis of age in hiring, promotion, discharge, compensation, and other employment terms and conditions, The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. . The Equal Employment Opportunity Commission (EEOC) enforces the Age Discrimination Employment Act. Supervisors and Department Heads are accountable for enforcing the law and shall make every effort to avoid any discriminatory acts in regard to an employee's age.

Section 22. Pregnancy Discrimination Act of 1978:

Title VII of the Civil Rights Act of 1964 was amended to prohibit sex discrimination on the basis of pregnancy. Any discrimination based upon pregnancy, childbirth, or related medical condition constitutes sexual discrimination. Women who are pregnant or affected by pregnancy-related conditions are required to be treated in the same manner as other applicants or employees with similar abilities or limitations. The Act applies to employees and job applicants, and the employer cannot refuse to hire a pregnant woman because of her pregnancy, a pregnancy-related condition or the prejudices of management, staff members, clients, patients or customers. The law forbids discrimination in any aspect of employment including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits such as leave and health insurance, and any other term or condition of employment.

It is unlawful to harass a woman because of pregnancy, childbirth or medical condition related to pregnancy or childbirth. Harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision. An employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work. If the employer requires all employees to submit a physician's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements.

An employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work. If the employer requires all other employees to submit a physician's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements. If an employee is temporarily unable to perform her job because of her pregnancy, the employer must treat her the same as any other temporarily disabled employee.

Reasonable accommodations including modifying tasks, performing alternative assignments or taking leave without pay, the employer must also allow an employee who is temporarily disabled because of pregnancy to do the same. Pregnant employees must be permitted to work as long as they are able to perform their work assignments. If an employee has been absent from work as a result of a pregnancy-related condition and recovers, her employer may not require her to remain on leave until the baby's birth. An employer also may not have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth.

Section 23. Equal Pay Act of 1963 (EPA):

The Act protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination. The jobs need not be identical, but they must be substantially equal. Job content determines whether jobs are substantially equal. All forms of pay are covered by this law including salary, overtime pay, bonuses, stock options, profit sharing and bonus plans, life insurance, vacation and holiday pay, reimbursement for travel expenses, and benefits. If there is an inequality in wages between men and women, employers may not reduce the wages of either sex to equalize their pay.

Section 24. Genetic Information Nondiscrimination Act of 2008 (GINA):

The Act prohibits employment discrimination based on genetic information about an applicant, employee, or former employee. It restricts employers and other entities from requesting, requiring or purchasing genetic information and strictly limits the disclosure of genetic information. Genetic information includes information about an individual's genetic tests and the manifestation of a disease or disorder in an individual's family. An employer may never use genetic information to make an employment decision because genetic information is not relevant to an individual's current ability to work.

Section 25. Attendance Policy:

Regular attendance is essential to Department operations. An employee is expected to be present and on time as scheduled. If an employee is going to be late or unable to work because of illness, the Supervisor should be notified before the start of the workday or not later than 30 minutes after the beginning of a scheduled working day. Notification by another employee, friend, or relative is not acceptable except in an emergency situation where the employee is physically unable to make the notification. Sick leave may be taken only with the approval of the immediate Supervisor or Department Head. Leaving messages is not considered satisfactory notice. Employees must speak with his/her Supervisor or with another appropriate contact within the proper chain of command. This provides an opportunity for the Supervisor to schedule a replacement or reschedule work as necessary. Tardiness and excessive absences without leave or notice interferes with the Department and County objectives and may result in disciplinary action up to and including dismissal.

Section 26. Blood-borne Pathogens:

Lenoir County has adopted plans and procedures to comply with provisions of the Occupational Exposure to Blood-borne Pathogens Standard issued by the U. S. Department of Labor's Occupational Safety and Health Administration and the approved plan requirements of the North Carolina Department of Labor. These plans are located in appropriate Departments.

All employees of the County who are occupationally exposed to blood or other potentially infectious materials, as defined in the regulations, are covered under the provisions of this policy. The County Manager or his designee shall maintain a copy of the exposure control plan, addressing exposure determination, procedures for evaluating the circumstances surrounding an exposure incident, and the schedule and methods for implementing compliance with the various sections of the standard. This plan is updated annually.

All occupationally exposed employees of Lenoir County will be provided information and training prescribed under the Standard, which will occur during working hours at no cost to the employee. This training will be provided at initial assignment and at least annually thereafter. Additional training is provided when existing tasks are modified or new tasks are introduced which affect employees' exposure.

Hepatitis B vaccine and vaccination series are available to all employees who have occupational exposure in addition to post-exposure evaluation and follow up services, as well as any booster doses subsequently recommended by the US Public Health Service. Each of the foregoing services is provided at no cost to employees, at reasonable times and places, and is performed by or under the supervision of a licensed physician or a licensed health care professional, who is qualified to provide these services.

The Hepatitis B vaccine and vaccination series is available within 10 days of initial assignment to employees who have occupational exposure to blood or other potentially infectious materials, unless the employee has previously received the complete Hepatitis B vaccination series, antibody testing reveals that the employee is immune, or medical reasons prevent the employee from receiving the Hepatitis B vaccination series.

All employees will be provided with a copy of a health care professional's written opinion stating whether a Hepatitis B vaccination is indicated and whether the employee has received such vaccination. All employees with occupational exposure are provided personal protective equipment by the County at no cost to the employee. Complete and accurate records are maintained for all employees concerning occupational exposure, as prescribed by the Standard, for which the retention period is throughout the period of employment and for 30 years thereafter.

Any employee determined to be occupationally exposed, who declines to accept hepatitis B vaccination, must sign a declination statement and release of liability after appropriate prescribed training regarding Hepatitis B, Hepatitis B vaccination, the efficacy, safety, method of administration, benefits of Hepatitis B vaccination, and that the vaccine and vaccination are provided free of charge. Any employee, who declines vaccination, executes a declination and release of liability thereafter, and who remains occupationally at risk can request vaccination at a later date. If subsequently requested, the same provisions will apply with respect to receipt of services at no cost to the employee.

Section 27. Motor Vehicle Policy:

The purpose of this policy is to outline driver's license requirements, as well as vehicle safety rules and regulations in order to reduce preventable accidents, injuries, property damage, and maintenance costs.

1. A valid North Carolina driver's license for the type and class of vehicle to be driven shall be required for all employees operating County vehicles and employees operating privately owned vehicles on County business.
2. County employees shall comply with the Vehicle Safety Program rules and regulations outlined in this procedure while operating a County vehicle.
3. Employees working in certain job classifications may be required to have a Commercial Driver's License (CDL) to operate designated vehicles or equipment. Successful job applicants, which includes current employees that are promoted or re-assigned to positions requiring a CDL, shall comply with one of the following: Have a current CDL at time of employment, promotion, or re-assignment; or within 90 days of hiring, promotion, or re-assignment, obtain a CDL as conditions of continued employment.

Vehicle Safety Program Rules:

All employees driving County vehicles or personal vehicles on County business shall drive in a courteous manner observing the following vehicle safety program rules and regulations:

1. Employees shall remain knowledgeable and comply with all Federal, State and County motor vehicle laws and regulations.
2. Employees shall practice effective defensive driving techniques. Employees shall exercise special precautions when children, joggers or pedestrians are in the roadway, driving during inclement weather or when negotiating around heavy equipment.
3. The driver and all occupants shall wear seat belts as required by law.
4. No person other than employees or appropriate persons engaged in business with the county and approved by the Department Head or designee shall ride in a County vehicle.
5. County vehicles shall be used for work related duties only.
6. Employee's assigned vehicles are responsible for scheduling routine maintenance and service of the vehicle, unless a specific individual is designated within the Department. Areas of highest concern include oil, tires, lights and seatbelts. All mechanical problems shall be reported to the Supervisor immediately.
7. Only County issued equipment needed to perform the specific work functions may be stored in the vehicle. No additional equipment or personal items will be carried or stored unless the Supervisor grants permission.
8. Unsecured items shall not be placed on the dash of a County vehicle. Tools, equipment and materials carried in a truck bed shall be secured by using rails and tailgate. Sufficient tie downs shall be required to ensure the safety of transported materials.
9. Vehicles shall not be left unattended while the engine is running. If it is necessary to leave a vehicle running while it is unattended, the transmission shall be placed in park and the parking brake activated.

10. Except under extreme emergencies, keys shall be removed from the ignition and the doors locked on an unattended vehicle.
11. Drivers of assigned vehicles shall visually examine the vehicle at the beginning and end of their shift. Areas to inspect include any physical damage, functioning signals and lights and tire inflation.
12. Employees shall not alter or tamper with vehicle safety features.
13. Gas cards issued to County vehicles are to only be used in providing gas to the specific vehicle. Employees will utilize the fueling locations supporting the specific card.

Driving Record Standard for Applicants:

This policy applies to all applicants including employees applying for positions requiring a valid driver's license as a condition of employment.

1. Applicants must have in their possession a valid driver's license and obtain a North Carolina license within 30 days after hiring as a condition of employment. A review of the driving history of each applicant will be conducted prior to hiring. A driving record from the Department of Motor Vehicles may be required of considered applicants. If the applicant deemed best for the position has any record of violations, the applicant may not be offered employment until it can be determined that the applicant's employment would not constitute a liability to the County.
2. Applicants will not be selected for positions requiring a valid drivers' license, if their driving reveals a pattern of convictions of traffic offenses and the applicant's capacity to safely operate a County vehicle or heavy equipment is questionable. The County may approve or disapprove the applicant based on their overall driving record for the position which the applicant has applied.

Driving Record Standards for Current Employees:

The purpose of this policy is to establish minimum-driving standards which must be met for all classifications requiring a valid driver's license. Departments may elect to enforce more stringent driving record requirements. Motor vehicle operators identified by the County's liability insurer as "problem drivers" with multiple motor vehicle violations will not be allowed to operate County vehicles. Travel by an employee determined to be a problem driver shall be by personal vehicle with the method of reimbursement to be determined by the County Manager within the guidelines of this policy. Employees determined to be problem drivers will receive a letter of warning under the County Manager's signature, notifying them of the consequences of further motor vehicle violations.

1. The County will periodically check the driving record of employees holding positions for which valid driver's license are required.
2. When an employee's overall driving record reveals a pattern of convictions for traffic offenses and the employee's capacity to safely operate a County vehicle or heavy piece of equipment is questionable, the County shall reserve the right to approve or disapprove the continued operation of a County vehicle or heavy piece of equipment.
3. Employees will not be permitted to operate County vehicles or heavy equipment if their driving record contains any of the following:
 - Current conviction of driving while impaired
 - Conviction of death by vehicle, hit and run, racing, careless and reckless or other major offenses for which their driving privileges have been suspended or revoked.
4. Any employee in a position requiring a valid driver's license is subject to disciplinary action up to and including dismissal for violations in accordance with Standard Procedures. Any employee who has their State Drivers License suspended or revoked shall not operate a County vehicle and shall immediately report such suspension or revocation to their supervisor.

Vehicle Accident Reporting:

The purpose of this policy is to establish a standard procedure to report vehicle accidents involving County vehicles; County leased vehicles, or personal vehicles used for County business. In the event of an accident involving a County vehicle, the following procedure shall apply:

1. Notify law enforcement officials immediately by calling 911. The vehicle should not be moved until law enforcement has arrived, unless necessary for safety reasons.
2. Contact the Supervisor immediately.
3. Offer no information at the scene regarding the responsibility for the accident. Present insurance information to the responding officer.
4. Complete a Vehicle Accident Report describing the accident. The reporting law enforcement officer will complete an indepth report. Inquire from the officer where and when a copy of the report may be obtained.
5. The Supervisor will forward the report to the County Manager's Office within 24 hours or the following business day. The Supervisor will ensure that the law enforcement report is picked up upon availability and will forward to the County Manager's Office.
6. All drivers of County vehicles involved in a motor vehicle accident must submit to a post accident drug test (See Section 7. of this Policy). If injured, this will take place at the medical provider's office.

Section 28. Workplace Violence:

It is the intent of Lenoir County to provide a workplace for County employees that is free from violence by establishing preventative measures, holding perpetrators of violence accountable, and by providing assistance and support to victims. This policy applies to all County employees, as well as contractors and visitors to County premises.

Definitions:

Workplace Violence includes, but is not limited to, intimidation, threats, physical attack, domestic violence or property damage and includes acts of violence committed by County employees, clients, customers, relatives, acquaintances, or strangers against County employees in the workplace.

Intimidation is engaging in actions that includes, but is not limited to, stalking or behavior intended to frighten, coerce or induce duress. Threat is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional, or future. Physical attack is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, or throwing objects.

Domestic Violence is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, or who have been married, live together, or have lived together, date, or have dated. Property damage is intentional damage to property and includes property owned by the County, employees, visitors, or vendors.

Acts of violence and/or threats of violence, including any act of an assault nature, whether expressed or implied toward individuals, while on County property, are prohibited. Included are acts of violence when such conduct stems from County business or may affect County business, operations, reputation or employees, regardless of the time or location.

The County will make efforts to protect victims of workplace violence by offering all available security measures. Victims may also need special accommodations or adjustments to their work schedule, location or working conditions in order to enhance their safety. The County will try to accommodate these requests and needs whenever possible and appropriate. The County will work closely with victims to ensure that both the needs of the victims and the County are addressed.

Acts of Violence and Threats:

Should a threat or act of violence become known, employees should adhere to the following procedure.

- Immediately report the incident to a Supervisor or Department Head. Provide as much information relating to the incident as possible. Information regarding incidents reported should be forwarded to the County Manager and Human Resources Director.
- All reports regarding threats or acts of violence will be kept confidential. Employees are required to report such incidents without regard or fear of retribution. Failure to report such incidents may result in disciplinary action.

Employee Conduct:

- Any employee initiating or participating in such conduct will be subject to disciplinary action, up to and including termination and/or a criminal complaint. In addition, any employee not terminated for such conduct, may be required to submit to a fitness for duty evaluation before returning to work to ensure he/she does not present a threat to persons or property. Any person who is not an employee, such as a contractor, vendor or visitor, will be subject to removal from County property and/or a criminal complaint.
- Any employee who receives a protective/restraining order, which lists County owned or leased property as a protected area, is required to provide the Human Resources Director a copy of the official document.

Weapons on County Property:

- Firearms and other dangerous weapons are not permitted on or in Lenoir County property at any time. This procedure does not apply to local, state or federal law enforcement officers acting in the line of duty. Employees who need clarification of the definition of a dangerous weapon may contact their Department Head.
- The County reserves the right to conduct a search of personal effects and vehicles when these items are located on or in County properties.

A violation of this policy shall be considered unacceptable personal conduct as provided in the Disciplinary Action, Suspension and Dismissal Policy. Acts of violence may be grounds for disciplinary action, up to and including termination. This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

Section 29. Sexual and Unlawful Workplace Harassment:

The purpose of the Unlawful Workplace Harassment Policy is to establish that Lenoir County prohibits unlawful workplace harassment of employees and to ensure that Lenoir County work sites are free of unlawful workplace harassment. In response to a charge of harassment, the County will investigate thoroughly all charges and take appropriate measures to end any harassment and prevent any future harassment. Disciplinary action including, but not limited to, termination will be taken against any employee who engages in sexual harassment or other unlawful harassment. No retaliation or other adverse action will be taken by the County against an employee who makes any report about sexual harassment or other unlawful harassment; communicates an intent to file a sexual harassment charge; testifies on behalf of a co-worker who filed a charge; refuses to testify on behalf of the County; files charges against other employers; opposes discriminatory employment practices; or reports discrimination or harassment on behalf of another employee.

The policy of Lenoir County is that no employee may engage in conduct that falls under the definition of unlawful workplace harassment. All employees have the right to work in an environment free from unlawful workplace harassment and retaliation. Lenoir County will investigate all complaints made by employees and will take appropriate remedial or disciplinary action up to and including dismissal of offenders.

1. Unlawful Workplace Harassment is unwelcomed or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color or handicapping condition as defined by G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo.
2. Hostile Work Environment is one that a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.
3. Quid Pro Quo harassment consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
4. Retaliation is adverse treatment which occurs because of opposition to unlawful workplace harassment.

Any employee, who perceives harassment, must submit a written complaint containing specific information to their Department Head within 15 calendar days of the alleged action. Department Heads shall investigate; take appropriate corrective and remedial action and address in writing within 30 calendar days from receipt of written complaint. If the employee is not satisfied with the Department Head's response to the complaint, the employee may appeal directly to the County Manager within 15 calendar days from the date he or she receives a response from the Department Head. The County Manager will review the matter and respond in writing within 30 calendar days of receipt of the complaint. The County Manager may employ the assistance of the Human Resources Department, the County Attorney, or any other person or official in reaching a final disposition

Section 30. Outside or Additional Employment:

The work of the County shall take precedence over other occupational interests of employees. Violation of this policy or conflicting outside employment will be grounds for disciplinary action up to and including dismissal.

County employees shall obtain advance approval for outside employment of any nature. Requests for permission to engage in outside employment shall be submitted in writing to the Department Head for approval, prior to engaging in or accepting work. Once the outside employment request is approved, the employee shall submit an annual request to the Department Head for review and to ensure the outside employment does not cause any Department disruption.

Outside employment for Department Heads is discouraged. In the case of Department Heads, who are subject to the State Personnel Act, requests for permission to engage in outside employment shall be submitted in writing to the Department Head's governing Board of Directors for consideration. If approved by the Department Head's governing board, notification shall be provided to the County Manager's and the Human Resources Director. All other Department Heads shall submit their requests for permission to the County Manager.

Persons employed by the County are hired by one particular department at an appropriate pay grade and step. No employee will be permitted to perform services for additional compensation (or other benefits) for another department or the same department without prior approval from the County Manager.

Section 31. Volunteering Policy:

An employee shall be prohibited from volunteering to serve or do work for an entity funded wholly or in-part by Lenoir County when such work is similar to or the same as the work or services provided by such employee in a paid status by Lenoir County. The County shall withhold funding, in whole or part, from any entity which violates this policy, willingly or unwillingly. Employees who violate this policy will be subject to appropriate disciplinary action.

Section 32. Travel Policy:

I. Purpose: To make uniform provisions for reimbursement of necessary expenses of County Employees or Officials of the County who are required to travel within or outside the County boundaries in the performance of their duties and in the interest of County affairs.

II. Policy Administration: The respective department heads are responsible for the administration of the provisions of this policy and authorized to approve travel reimbursements except where otherwise stated.

A. General Policy: Lenoir County recognizes that employees and officials are required to travel both within and outside the County boundaries as well as outside the State of North Carolina for purposes of representing the County at meetings and professional associations, as well as for training to enhance their skills regarding the performance of their various positions with the County Government.

It is inherently understood in this policy that an individual traveling on official County business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess cost, circuitous routes, delays, or luxury accommodations and services unnecessary, unjustified, or solely for the convenience or personal preference of the traveler in the performance of official County business are not acceptable under this standard, travelers will be held responsible for unauthorized costs and additional expenses incurred for personal preference or convenience (example: personal use of the County provided cell phone or purchase of personal items with the County issued credit card).

Participation in official out-of-town business meetings, authorized training courses, and authorized professional conferences, is "time worked" for the purpose of computing wages for non-exempt employees. Travel away from normal workstation is work time when it cuts across a non-exempt employee's normal workday. The employee is simply substituting travel for other duties. The time is not only hours worked during the normal workdays, but also during the corresponding hours of non-working days. If the employee regularly works from 8 am to 5 pm from Monday through Friday but is traveling on official duties on Saturday and Sunday, the travel time during those hours is work time on Saturday and Sunday as well. Regular meal period time is not counted as work time.

B. Mileage Allowance: The amount authorized to be paid on a per-mile basis for travel by privately owned vehicle will be the current effective IRS rate.

- C. **Meals Allowance:** Reimbursement for the cost of meals in connection with County business shall be for actual expenses incurred not to exceed the following rates.

	<u>In State Travel</u>	<u>Out of State Travel</u>
Breakfast	\$13.00	\$16.00
Lunch	\$15.00	\$18.00
Dinner	\$25.00	\$28.00

Regardless of the payment method, i.e., cash, personal credit card or County provided credit card, the above stated limits remain in effect for reimbursement or payment. If a County provided credit card is used the traveler must reimburse the County for any meal amount exceeding these limits. No subsistence expense is reimbursable if it is incurred within Lenoir County unless the expense is incurred while at an authorized meeting for the purpose of conducting official County business.

Tips are considered to be included in the above rates.

- D. **Daily Travel:** Employees and officials may receive reimbursement for meals for partial days of travel when the partial day is the day of departure or the day of return:

Breakfast: Depart on or before 6:30am

Lunch: Depart after 7:00am and prior to 11:00am

Dinner: Return after 7:30pm. If stopping for dinner causes the employee or official to return after 7:30pm the meal reimbursement will not be reimbursed.

- E. **Lodging:** For travel exceeding 50 miles outside the County and with prior approval of the department head, the actual cost of lodging will be reimbursed: however, reimbursement of lodging expenses incurred in counties contiguous to Lenoir County will not be authorized without prior approval by the County Manager. When more than one employee occupies the same hotel/motel room, the total lodging expense will be reported on only one of the employee's travel Expense report. To receive reimbursement for lodging expenses, an itemized hotel bill must be attached to the Expense Report.
- F. **Expense Report:** The Expense Report is the official County document used for requesting reimbursement for expenses associated with mileage, private or public transportation, lodging, meals, registration and other reimbursable expenses. All receipts must be itemized and are to be attached to and made a part of the Expense Report. Before being submitted to Finance for reimbursement the Expense Report must bear the approving signature of the department head, or designee and the requesting employee. Employee expense reports are processed once a month and directly deposited by the 10th of the month, following the close of the month in which the travel took place.

III. **Authorized Travel Modes:** County employees and officials traveling away from the County on official business will be reimbursed as follows:

- A. **County Owned Vehicle:** Travel by County owned vehicle should be used whenever a County vehicle is available. County fuel cards should be used wherever practicable. Lenoir County pays total costs of operation and maintenance on County owned vehicles. In unusual circumstances, where charges cannot be made to County fuel cards, expenses should be authorized by the department head.
- B. **Privately Owned Vehicle:** Travel by personal car when no County vehicle is available and has been authorized by the department head. Reimbursement is limited to the mileage rate established by Board of Commissioners. Mileage for travel will be paid for the shortest usually traveled route.
- C. **Transportation by Common Carrier:** Travel by common carrier with the prior approval of the County Manager, will be reimbursed for business or coach fare and must be substantiated by original receipt.
- D. **Rental Vehicle:** Reimbursement of rental vehicle expenses will not be authorized without the prior approval of the County Manager, or designee. If approved, the rented vehicle should be secured at the lowest practical cost.

IV. **Travel Destination:**

- A. **Local Travel:** County employees who, by the normal nature of their duties, are required to travel regularly within the County and are individually authorized by their department head, or designee are eligible for reimbursement of transportation expenses. Commuting to and from home and office is not a reimbursable expense; however, when traveling within or outside the county it may be appropriate to reach your destination by traveling from home rather than the assigned office location. In these instances, the route used for reimbursement shall be the route of shortest distance.
- B. **Special Local Travel:** County employees who, in the interest of the County, and with department head approval, travel to school, conferences, professional meetings, etc. within the County, may be reimbursed to the limits of this policy for:
 - 1. Transportation costs
 - 2. Registration costs
 - 3. Necessary incidental expenses
- C. **Travel Outside the County:** Approved travel expenses outside the County for County purposes or purposes in the best interest of the County, for training, conferences, professional meeting, etc. may be reimbursed to the limits of this policy for:
 - 1. Transportation costs
 - 2. Meals
 - 3. Registration costs
 - 4. Lodging
 - 5. Necessary incidental expenses

- D. Registration and Training Costs:** Registration and training costs, that are job related, should be paid directly by the County. In the event that the employee has paid the cost, they must submit an itemized receipt for the reimbursement of the registration and or training cost. Additional registration costs for recreational and entertainment activities will not be paid by the County. Meal functions are not included in this requirement and are eligible for payment by the County in lieu of the meal per diem payment.
- E. Out-of-State Travel:** Out-of-State travel begins when the employee leaves the State and remains in effect until the employee returns to the State. Out-of-State travel requests by employees must be pre-approved by the County Manager or designee.
- F. Credit Card:** Employees and Officials authorized to use County credit cards may elect to use them instead of reimbursement. All itemized receipts for expenditures must be submitted to the County in accordance with the credit card policy.
- G. Coordination of Travel:** When two or more employees are traveling to the same destination maximum use shall be made of Special Group travel discounts and joint and coordinated use of the transportation including taxis, County owned, leased or privately-owned vehicles. Travel with representatives of other government units is encouraged whenever possible.
- H. Commuting:** No Reimbursement shall be made for use of a personal vehicle in commuting to or from an employee's office and his/her home.
- I. Telephone Calls:** Employees are not allowed to charge long distance telephone calls to the County for calls made of a personal nature. An employee traveling to a location outside the local calling area is allowed one (1) "safe arrival" call upon arriving at the destination.
- J. Other Costs:** Reasonable fees for parking, tolls, taxi charges, car rentals and expenses of a similar nature, when appropriate to the travel, are reimbursable upon submission of appropriate documentation.
- V. Extraordinary Travel or Cost:** In instances of travel not covered by this policy, or where the actual necessary costs exceed the maximum reimbursement allowed and the travel is in the best interest of the County, the County Manager, or designee may approve reimbursement of actual costs beyond the maximum stated herein. However, the terms of reimbursement must be determined before the travel occurs or before the cost is incurred. The County Manager, or designee shall approve or disapprove all the other expense reimbursements not clearly defined or that fall outside the realm of this policy or which have been questioned.

VI. Travel Advances: It is the policy of Lenoir County not to provide travel advances. In special situations travel advances may be made with prior approval of the County Finance Officer. Any such request must be submitted to the Finance Officer at least one week prior to the need for the travel advance. Immediately upon return, a full accounting must be presented to the County Finance Officer. Any expenditure, for which there are no receipts acceptable to the County Finance Officer, will be deemed an individual expense to the employee.

VII. Travel Procedure: All request for reimbursement of travel should be submitted Monthly on the County Expense Report. This means one report per month per employee should be turned in for all expenses incurred from the first day of the month until the last day of the month. Expense reports should be completed and submitted no later than the third (3rd) day of the month, for the previous month expenses.

- A. The Expense Report requesting travel reimbursement should be completed by the employee and submitted along with all itemized receipts and back-up documentation to the department head. After approval by the department head, the report will be submitted for processing. No Expense Report requesting travel reimbursement will be processed or paid if the request for reimbursement is submitted later than 60 days after the end of the month in which the travel expense was incurred.
- B. The Finance Department will review the submitted Expense Report for accuracy and ensure the presence of proper approval signatures as well as determine that the requested reimbursements agree with submitted receipts and are within the limits set by this Policy. If an error in the reimbursement request is found, the requesting employee will be informed of the error and the needed correction must be made before payment is issued.
- C. When an employee cancels an approved trip and the County has paid airfare, registration and other related fees, the employee must send a memo to the department head providing an explanation of the cancellation. The department head must forward the explanation along with his/her recommendation regarding reconciliation of the account to the Finance Department.
- D. The following items are not reimbursable:
 1. Any miscellaneous expenses not supported by an itemized receipt, when required
 2. Meals included in registration
 3. Travel to and from the work place and home
 4. Non-employee expenses
 5. Alcoholic beverages, including “Virgin style”
 6. Movie Rentals
 7. Traffic fines, including but not limited to, illegal parking fines, speeding tickets, etc.

VIII. Travel-Workers’ Compensation: Employees of the County absent from the County on official business, or in approved training courses or professional meetings, will be covered by Workers’ Compensation insurance in accordance with the North Carolina Workers’ Compensation Act and the County’s Workers’ Compensation insurance policy.

IX. Travel Records: All travel records submitted for reimbursement are public record.

Section 33. Limitation of Employment of Relatives:

In order to promote equal opportunity for employment for all qualified individuals, members of an immediate family shall not be employed within the same department or unit. This includes situations in which such employment will result in one family member supervising another member of his or her immediate family or where one member occupies a position which has influence over the other member’s employment, promotion, salary administration, or other related management or personnel considerations.

Board members of the Department of Social Services follow the North Carolina Office of Administrative Hearings Employment of Relatives of County Board Members code.

The term “immediate family” is defined as wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson, and granddaughter. Also included are the step, half and in-law relationships.

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

ARTICLE VIII

SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT

Separation, disciplinary and reinstatement policies are implemented to provide County employees, Department Heads, Managers and Supervisors a fair, clear and useful tool for addressing separation of employment. Department Heads, managers and supervisors are responsible for maintaining the proper conduct and discipline of employees under their supervision. When an employee's performance or conduct is determined by a Supervisor or Department Head to be unacceptable, disciplinary action may be initiated in various methods, depending on the nature of the offense. All separations of employees from positions in the service of the County shall be designated as either voluntary or involuntary. Employees may be voluntarily separated from County service by either resignation or retirement. Employees may be involuntarily separated from County service by reduction in force, disability, dismissal, or death.

Section 1. Types of Separations:

Separation occurs when an employee leaves the payroll for reasons indicated in this section or because of death. Excluding at-will appointments in the Elected Offices, employees who have acquired permanent status are not subject to involuntary separation, demotion or suspension without pay, except for just cause or reduction-in-force. The following are types of separation:

- A. Separation at the time of Death.** Payment for unpaid salary, unused vacation leave, and travel will be made, upon establishment of a valid claim to the deceased employee's estate. In the absence of an administrator, payment will be made to the Clerk of Superior Court of the County of the deceased employee's residence. Payment will not be made for unused sick leave.
- B. Resignation.** An employee may resign from employment with Lenoir County by submitting a letter of resignation with a minimum of two weeks' notice. A letter of resignation is required and shall be submitted to the Department Head or Appointing Authority. Department Heads should submit a letter of resignation with a 30-day notice. Department Heads should submit letters of resignation directly to the County Manager. Failure to provide minimum notice will result in forfeiture of payment for accumulated annual leave. When in the best interest of the County, the notice requirements in this section may be waived with approval of the County Manager.
- C. Voluntary Resignation without Notice.** An employee voluntarily terminates employment with Lenoir County by failing to report for work without giving written or verbal notice to the Supervisor or Department Head. Such a failure shall be deemed to be a voluntary resignation from employment without notice when the employee is absent without approved leave for a period of at least three (3) consecutive, scheduled workdays. Separation pursuant to this policy should not occur until the Department Head or Supervisor has taken reasonable efforts to assess if the employee intends to return to work. Reasonable efforts include such actions as calling the employee at the last known telephone number. Such a separation is considered voluntary separation without the right of appeal.
- D. Dismissal.** Dismissal is an involuntary separation for just cause, and shall be made in accordance with the provisions of this Article.

E. 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 credits and benefits have been exhausted and management does not grant a leave without pay. Unavailability includes an employee's inability to return to all of the position's essential duties and work schedule due to a medical condition or the vagueness of a medical prognosis and a reasonable accommodation cannot be made without an undue hardship; or, the employee and the Department cannot reach agreement on a return to work arrangement that meets both the needs of the County and the employee's medical condition. Prior to separation, the Department Head or Appointing Authority shall notify the employee in writing of the proposed separation, the efforts undertaken to avoid separation, and why the efforts were unsuccessful.

The Department Head or Appointing Authority shall also give the employee a letter of separation stating the specific reasons for the separation and setting forth the employee's right of appeal. Such a separation is an involuntary separation and may be appealed. The Department or Office will comply with the requirements of the American with Disabilities Act as amended (ADAAA). Additional information regarding the ADAAA may be found on the following websites: [ADAAA](#) and/or [EEOC Final ADA Rule](#).

F. Separation Due to Disability. An employee who cannot perform the required duties of the position because of a physical or mental impairment, may be separated when a reasonable accommodation cannot be made without an undue hardship. The employee or the County may initiate separation under this provision. In all cases, such action must be accompanied by medical evidence acceptable to the Department Head, the Human Resources Director, and the County Manager. The County may require an examination, at the County's expense, to be performed by a physician of the County's choice. The County will comply with the requirements of the American with Disabilities Act as amended (ADAAA).

You become eligible to apply for disability retirement benefits after five (5) years of creditable service if you become totally and permanently disabled for your job, as approved by the Medical Review Board. If you are a firefighter or rescue squad worker who becomes disabled as a result of a "line-of-duty injury," you are eligible to apply for disability retirement regardless of the amount of your creditable service.

G. Retirement. An employee may retire when the employee is eligible for retirement benefits. The employee shall give a minimum of two weeks' notice of retirement, but should inform the Department Head as soon as the decision is made to retire. The Local Government Retirement Handbook ([LGERS](#)) addresses rules, policies, and procedures for the retirement process, including eligibility.

H. Reduction-in-Force. Periodically, economic constraints or changing service priorities necessitate organizational restructuring, program modification, elimination, or privatization of existing programs or services. Such changes may result in the need for the County to reduce the size of its workforce. The County is committed to accomplishing these reductions-in-force without lay-offs if at all possible, and if not, to aid the transition of employees affected by a reduction-in-force into other employment outside the organization. The County shall make every reasonable effort to retain the employee through transfer, promotion or demotion, and to the extent possible, make necessary workforce reductions through normal attrition.

The overall decision to initiate and implement a reduction-in-force, including an employee layoff, is a decision of the County Manager and the Lenoir County Board of Commissioners. However, for those county employees subject to the provisions of the State Human Resources Act, the decision to initiate and implement a reduction-in-force including an employee layoff is a decision of the respective agency Director with the concurrence of the appropriate Governing Board.

1. Determining the Scope of the Reduction and the Layoff Unit

Budget restrictions, reorganization, consolidation or abolishment of functions or departments, curtailment of work, and other reasons may result in the need to abolish a position(s) or to so substantially redesign a position that the incumbent would not reasonably be considered a candidate for the new position because he/she lacks specific position qualifications. When this happens, the Department Head or Appointing Authority shall examine the operations of the Department and designate a “layoff unit.”

The Department Head will then determine the necessary reallocation, reassignment (transfer), and/or abolishment of positions. The following factors are among those which may be considered in this determination:

- Customer service requirements
- Legal mandates for programs
- Impact on overall program objectives
- Possible redistribution of available resources
- Organization structure
- Funding sources and budget guidelines
- Composition of the work force
- Economy and efficiency in service

Once the above factors have been considered, the Department Head shall prepare a reduction-in-force plan for review and approval by the County Manager. The plan will include the layoff unit(s), the necessary reallocation, reassignment, and/or abolishment of positions and the names and positions of staff to be separated.

The layoff unit designated may be the entire Department, division, program, or sub-unit of the Department. It may also include a staff specialty within a division or program unit. The layoff unit need not coincide with the program, function, or activity that is the source of the need for a reduction-in-force. Layoff unit designations allow management to distribute staff resources according to service priorities of the Department.

2. Establishing a Plan and Procedure for Employee Separation

The following factors shall apply in determining and scheduling employees for separation.

- A. The type of appointment shall be the first determinant. No permanent employee in an affected classification shall be separated while there are emergency, intermittent, temporary, probationary, or trainee employees working in the same classification in the Department.
- B. Separation of non-permanent employees shall be made in the following order:
 1. Emergency, intermittent, and temporary employees. For this purpose, the three categories will be treated as one group.
 2. Probationary and trainee employees. For this purpose, the two categories will be treated as one group.

3. Separation of employees from positions in the affected classifications in the layoff unit shall be made after systematic consideration of length of service and relative efficiency.

Note: For the purposes of this policy, service standing shall be determined by length of continuous service (paid employment) with Lenoir County only. Service with other agencies will not be a part of this computation.

4. Performance evaluations and warnings received in accordance with the provisions of the Department's disciplinary action policy will be included in consideration of relative efficiency.

3. Notice Requirements

After the necessary reduction-in-force decisions have been made through application of the above criteria, the Department Head shall give formal written notice to all employees scheduled for separation. The notice shall be given as soon as practical. The Department Head shall review with the employee the reasons for the action and discuss mutual rights and responsibilities under the reduction-in-force policy.

A permanent employee who is separated due to reduction-in-force shall have the right to appeal that action.

4. Severance Pay

An employee in a Permanent Full-time position, with at least 12 months of service with the County, who are being reduced in force or laid off under the terms of this policy, may receive severance pay and benefits. To be eligible for severance pay and benefits, the employee must not refuse a reasonable employment offer with the County or with a contractor (in the event of privatization). Eligible employees may receive the following severance package:

- A. Two weeks paid leave; and,
- B. One (1) month of paid health and dental insurance.

Employees in their initial probationary period will not be eligible for Severance Pay, but shall receive a minimum of two-week notice of termination and shall be eligible for payment for accrued but unused annual leave.

5. Reinstatement

An employee in good standing, who is separated due to a reduction-in-force, shall be eligible for consideration for re-employment in the same or a similar position or considered for any vacant position for which he/she meets the minimum qualifications within one year of separation. If the employee is reinstated within one year, he/she shall be credited with his or her previously accrued sick and the accrual rate for annual leave in effect at the time of separation.

Section 2. The Disciplinary Process:

Employees of the Lenoir County Department of Social Services and the Lenoir County Health Department are subject to the Rules for Disciplinary Procedures established in the State Human Resources Act and the North Carolina Administrative Code. Employees of the Sheriff's Office and Register of Deeds are subject to requirements in the North Carolina General Statutes and other public-purpose laws. Therefore, these Departments and Offices are not subject to the steps in the Disciplinary Processes outlined below, unless the respective appointing authority elects to apply or follow these procedures in his or her Office or Department.

All other County Government employees, regardless of occupation, position or profession may be warned, demoted, suspended, or dismissed by the appointing authority. Such actions may only be taken against an employee with permanent status for just cause. The degree and type of action taken shall be based upon the sound and reasonable judgment of the appointing authority in accordance with the provisions of this policy. The disciplinary actions provided for under this Section are:

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

There are two bases for disciplinary actions, including dismissal, under the statutory standard of "just cause" as defined in the Appendix. These two bases are:

- Unsatisfactory job performance, including grossly inefficient job performance.
- Unacceptable personal conduct.

Unsatisfactory job performance, grossly inefficient job performance or unacceptable personal conduct may be cause for discipline or dismissal. These 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.

A. Unsatisfactory Job Performance: Work-related performance that fails to satisfactorily meet job requirements as set out in the relevant position description, work plan, or as directed by the management of the work unit or agency. The following steps will occur for Unsatisfactory Job Performance:

1. **Written disciplinary action:** An employee who has continuously demonstrated failure in the performance of their duties and who has failed to improve performance, as directed, may receive a written disciplinary action. A disciplinary conference will be conducted with the Supervisor to inform the employee of the following:
 - a. The specific deficiencies that are the basis for the written disciplinary action including specific examples.
 - b. The impact of employee's failure to perform satisfactorily or to conduct themselves in an acceptable manner.
 - c. The specific improvements that must be made to correct the unsatisfactory performance.
 - d. The time allowed to make said improvements.
 - e. The consequences of failure to meet corrective action plan or any other performance/personal conduct requirements.
 - f. A brief summary referencing any prior disciplinary actions.

The Supervisor will inform the employee that all points covered in the conference will be forwarded to them in a formal written disciplinary action or the Supervisor may choose to have the written disciplinary action prepared and provide it to the employee during the conference. All written disciplinary actions become a part of the employee's personnel file in the Human Resources Department.

2. **Second and Final written disciplinary action:** Failure of an employee to respond to a written disciplinary action and/or the development of further job performance related issues may result in a final written disciplinary action. A final written disciplinary action can only be issued with Department Head approval. A final written disciplinary action is the last step prior to dismissal. A final written disciplinary action shall proceed as follows:
 - a. A final written disciplinary action is prepared stating specific reasons for the action.
 - b. A disciplinary conference will be conducted with the employee. At this conference, the specific reasons for the action, the necessary improvements, and the time allowed to make improvements will be discussed. The Department Head or Appointing Authority should be present for this or any conference in which an employee is warned of a possible termination.
 - c. The final written disciplinary action will then be presented to the employee. The employee is to be informed that failure to correct the unsatisfactory performance may result in dismissal.

Disciplinary Actions older than 18 months are no longer active and not used as an action in the sequence for a second and final written warning. Written disciplinary actions are not appealable. Therefore, after 18 months from the last written disciplinary action, an employee may request that written warnings be removed from their personnel file.

3. **Dismissal:** An employee of the County may be dismissed of duties for unsatisfactory job performance after all disciplinary action has failed. Before a dismissal occurs, the following steps must be taken:
 - a. A pre-disciplinary conference shall be scheduled with the employee and a written notice of the conference shall be provided to the employee. A pre-disciplinary conference should include the Supervisor and the Department Head. The purpose of the pre-disciplinary conference is to inform the employee that management is considering dismissal due to unsatisfactory job performance and to receive comment or feedback from the employee regarding the pending dismissal. It also allows the employee to provide any information on their behalf that may be considered in the final decision. Advanced written warning will be provided to the employee at least one working day prior to the conference. Management shall inform the employee that this will be a pre-disciplinary conference, and provide the time, date, and location of the conference; give specific reasons why dismissal is being considered; provide a summary of the information supporting recommendation for dismissal; and, specify that the proposed action is being considered, but not yet decided. The employee shall then have an opportunity to agree/disagree, respond, refute, or offer information or arguments to support his/her position. Every effort shall be made to ensure that the employee has an opportunity to present information on his/her behalf. No attorney for either side will be allowed in a pre-disciplinary conference. Management may have a second representative present as a witness and recorder, and, if necessary, a law enforcement representative.

- b. Following the pre-disciplinary conference, management shall review and consider the responses of the employee and reach a decision on the proposed recommendation. If the decision is to dismiss the employee for unsatisfactory job performance, a letter of dismissal shall be prepared outlining the specific reasons for the decision, the effective date of the dismissal, and any applicable appeal rights. Management shall determine the effective date for dismissal for unsatisfactory job performance. A General County employee with permanent status or an employee subject to the State Personnel Act with career status may, at management's discretion, be given up to two weeks working notice for his/her dismissal and/or pay in lieu of working notice. If the decision is to dismiss, the decision shall not be communicated to the employee prior to the next business day, but before the end of the second business day.

B. Grossly Inefficient Job Performance: Grossly Inefficient Job Performance is an employee's failure to satisfactorily perform job requirements as set forth in the job description, work plan, or as directed by the management of the work unit or agency, and the act or failure to act causes or results in:

1. Death or serious bodily injury or creates conditions that increase the chance for death or serious bodily injury to an employee(s) or to members of the public or to a person(s) for whom the employee has responsibility; or,
2. The loss of or damage to County property or funds, that results in a serious adverse impact on the County.

In the case of Grossly Inefficient Job Performance, the employee may be immediately dismissed following a pre-disciplinary conference, if the actions warrant, or the employee may be suspended, demoted, or receive a written warning. The basis for the degree of action taken in a Grossly Inefficient Job Performance incident is measured on the specific incident and its consequences.

C. Unacceptable Personal Conduct: Unacceptable Personal Conduct is:

1. Conduct for which no reasonable person should expect prior warning.
2. Job-related conduct which constitutes a violation of State or Federal Law.
3. Conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the County.
4. The willful violation of known or written work rules.
5. Conduct unbecoming of a County employee that is detrimental to County service.
6. The abuse of a client(s), patient(s), student(s) or person(s) over whom the employee has charge or to whom the employee has a responsibility.
7. Falsification of an application or other employment document.
8. 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.

Employees may be dismissed, demoted, suspended, or warned for Unacceptable Personal Conduct without any prior warning. Disciplinary demotions, suspensions, or dismissals for personal conduct require a written notification to the employee. Such notification must include specific reasons for the discipline and notice of the employee's right of appeal.

Prior to dismissal of a General County employee, with permanent status on the basis of unacceptable personal conduct, there shall be a pre-disciplinary conference with the employee.

D. Other Types of Disciplinary Action

- 1. Suspension** – Investigatory or disciplinary suspension may be used by management in appropriate circumstances. The following provisions shall control its use:

A. Disciplinary Suspension:

1. An employee may be suspended without pay for disciplinary reasons for Unsatisfactory Job Performance after the receipt of at least one prior disciplinary action or without prior warning or disciplinary action for any form of Unacceptable Personal Conduct or Grossly Inefficient Job Performance.
2. A disciplinary suspension without pay for an employee who is subject to the overtime compensation provisions of the Fair Labor Standards Act (FLSA), must be for at least one full work day, but may not be for more than two work weeks. The length of a disciplinary suspension without pay for any employee who is exempt from the overtime compensation provisions of the FLSA must be for at least one full work week, but may not be for more than two full work weeks.
3. Before an employee is placed on disciplinary suspension without pay, a Supervisor and/or Department Head must conduct a Pre-Disciplinary Conference. The Supervisor and/or Department Head must give advance oral or written notice of the conference to the employee. The notice must inform the employee of the following:
 - a. The type of disciplinary action (disciplinary suspension) being considered,
 - b. The conference time and location, and the facts that led to the recommendation. Advance notice should be as much as practical under the circumstances.
 - c. Give the employee a statement in writing stating the reason for the suspension.
 - d. The employee's appeal rights, if applicable.

B. Investigatory Status with Pay:

1. Investigatory status with pay may be used to provide time to investigate and reach a decision concerning an employee's status in those cases where it is determined the employee should not continue to work pending a decision. Management may elect to use investigation with pay in order to avoid undue disruption of work or to protect the safety of persons or property. An investigatory suspension with pay shall not exceed 30 calendar days. However, a Department Head may, with the approval of the County Manager, extend the period of investigation with pay for an additional 30-days. The employee must be informed in writing of the extension, the length of the extension, and the specific reasons for the extension.
2. Investigatory suspension with pay shall not be used for the purpose of delaying an administrative decision of an employee's work status pending the resolution of a civil or criminal court matter involving the employee.
3. An employee who has been suspended for investigatory reasons may be reinstated with up to three (3) days pay deducted from his/her salary. Such determination is to be based upon management's determination of the degree to which the employee was responsible for or contributed to the reasons for the suspension. This period constitutes a disciplinary suspension without pay as noted above.
4. Placement on investigatory suspension with pay does not constitute a disciplinary action and is not subject to appeal.

5. The Department Head shall notify the employee, in writing, no later than the second scheduled work day after the beginning of the placement, of the reasons of the investigatory placement.
2. **Disciplinary Demotion:** An employee may be demoted as a disciplinary measure. Demotion may be made on the basis of either Unsatisfactory Job Performance or Unacceptable Personal Conduct. Disciplinary demotions may be accomplished in two ways:
- The employee may be demoted to a lower classification with or without a loss in pay.
 - The employee may be reduced to a lower step in the same pay grade with a corresponding loss of pay.

In no event shall an employee's pay be lowered below step one of the assigned pay grade unless the employee is demoted to a lower classification. Prior to the decision to demote an employee for disciplinary reasons, the Department Head must conduct a pre-demotion conference with the employee, which will proceed in similar fashion to a pre-disciplinary conference. Advance oral or written notice of the conference is required.

An employee who is demoted must receive written notice of the specific reasons for the demotion, as well as notice regarding any grievance or appeal rights granted to that employee. The written notice should address how the demotion will affect the employee's salary and pay grade. It is recommended that a revised job description outlining the employee's revised duties and responsibilities be attached.

For a demotion based on Unsatisfactory Job Performance, an employee may be demoted after receiving at least one prior disciplinary action. For a demotion based on Unacceptable Personal Conduct, an employee may be demoted without any prior warning.

ARTICLE IX
GRIEVANCE PROCEDURES AND APPEAL POLICIES

Lenoir County has established a formal process by which General County employees who have full-time permanent status may grieve and/or appeal both adverse actions and non-adverse actions. The Article does not apply to employees in Departments subject to the State Human Resources Act or to employees assigned to either the Sheriff's or Register of Deeds' Offices. These Departments and Offices have their own established Grievance Procedures and Adverse Action Appeals policies which employees should follow. Copies of these policies should be filed with the County Human Resources Office and made available to employees by hardcopy or electronic format.

Section 1. Definitions:

(a) Adverse Action- A personnel action that involves one of the following situations:

- 1.Reduction in Force
- 2.Suspension without Pay
- 3.Disciplinary Demotion; Dismissal
- 4.When an employee perceives that he/she has been treated unfairly in the application of the following laws:
 - Fair Labor Standards Act
 - The Age Discrimination in Employment Act
 - The Family Medical Leave Act
 - The Americans with Disabilities Act
 - The Civil Rights Act and Equal Employment Opportunity

(b) Non-Adverse Action – A personnel issue relating to working conditions, policies, and/or practices not defined as an adverse action.

Section 2. Informal Complaint Resolution Policy:

This section sets forth the procedures in which a County employee can resolve a non-adverse action issue. This policy recognizes that employees may have issues relating to work conditions, policies, or practices that require attention and resolution when possible. This procedure can be utilized when all efforts of the employee have failed to address the problem. These procedures do not assure a change in a situation, but do provide formal steps to examine the issues brought forth, and if feasible and reasonable, to make changes to resolve the problem.

The employee is first and foremost encouraged to resolve any such issues by working with coworkers and management. If unable to reach an adequate solution, the following problem-resolution procedure should occur.

- (a) Request a meeting with the immediate Supervisor to present the issue of concern.
- (b) The Supervisor shall schedule a meeting with the employee within 15 days.
- (c) At the meeting, the Supervisor shall review the issue with the employee and collect all relevant information and data concerning the situation.
- (d) The Supervisor should review the issues from the meeting and reach a conclusion regarding the issue. The Supervisor should make recommendations regarding the issue in writing to the employee within seven (7) days of the meeting. The letter should contain a summary of the issues and

recommended actions that can be taken to resolve the issue, or if no action is recommended and the reasons why.

- (e) If the employee is not satisfied with the immediate Supervisor's response, he or she may request a meeting with the Department Head within 3 days of receiving the Supervisor's response.
- (f) At this meeting, the employee shall again present the issue being grieved, reasons for the grievance, and recommended solutions from the employee.
- (g) The Department Head shall review all matters regarding the issue and provide a written response to the employee within seven (7) days of the meeting. The letter shall review the conference points and provide recommendations for resolution. This is the final step in the grievance process and the Department Head's decision is final.

If the issue involves other employees of the Department, Management may include those employees in the review of the situation and should consider their input and feedback in the final decision process.

Section 3. Appeal of Adverse Actions for General County Employees:

This section provides appeals procedures for an adverse employment action. The Sheriff's and the Register of Deed's may elect to follow this policy or they may adopt a separate appeal policies and file them with the County Human Resources Department.

A County employee who has an adverse action taken against them may file a formal appeal of the adverse action. The policy provides for specified timeframes in which the appeal must be requested. Failure of the employee to request the appeal procedure in a timely fashion will result in the loss of all appeal rights granted under this policy.

There are three steps a County employee may take to have an appeal of an adverse action heard. They are as follows:

Step 1: The employee with an adverse action who seeks the first step in the appeal process, shall request an appeal in writing. The request must be submitted to the Department Head and must be received within three (3) days of the occurrence of the adverse action. The Department Head will then schedule a formal hearing and inform the employee in writing of the specific date and time of the hearing. The employee, at this hearing, will be able to provide information to the Department Head regarding the adverse action and reasons for the appeal. All pertinent evidence and information should be submitted in copy form to the Department Head for consideration. The Department Head shall then render a decision in writing within 15 calendar days to the employee.

Step 2: If the employee is not satisfied with the decision made, the employee may request a second appeal to the County Manager. The employee shall submit a formal appeal request in writing to the County Manager within 15 days of the date of the written notice of the Department Head's decision. A copy of the appeal should be filed with the County Human Resources Office. The Human Resources Department will hear and review the matter as described below.

The County Human Resource representative will then schedule a formal appeals hearing and inform the employee in writing of the date and time of this hearing. The Hearing should be scheduled within 15 days of the date of the receipt of the request for an appeal. At this hearing, the employee will be able to provide evidence on their behalf to the Hearings Panel regarding the adverse action and reasons for the appeal.

All pertinent documents, letters, forms, written notes and any other written evidence, and information from the employee and the employee's County Department Head should be submitted in copy form to the Human Resources Department for the Hearing Panel. The Human Resources Department shall render a Recommended Decision to the County Manager in writing within 15 days from the date of the Hearing.

Step 3: The County Manager shall have 15 days from the receipt of the Recommended Decision to accept, reject or modify the decision of the Hearings Panel and issuing a Final Written Decision to the employee. The County Manager's decision is the final decision except in matters subject to further review under State or Federal law.

Key Points Regarding this Policy:

- All timeframes must be met. Failure to meet timeframes results in loss of appeal rights under this policy.
- All requests for appeals must be in writing.
- Employees in probationary or temporary employment situations do not have appeal rights under this policy. Only employees in a permanent status have appeal rights under this policy.
- Each adverse action shall have a copy of the appeals process attached, as well as each written decision in every step of the appeal process.

Section 4. Unlawful Workplace Harassment:

Grievance Procedures and Appeals:

1. A General County employee alleging unlawful workplace harassment or retaliation must submit a written complaint to the Department Head within 15 calendar days of the alleged action.
2. The Department Head shall take appropriate remedial action within 30 calendar days from receipt of written complaint. The Department Head shall provide a written response to the grievant describing what action, if any, will result from the employee's written complaint.
3. If the employee is not satisfied with the Department Head's response to the complaint, the employee may appeal directly to the County Manager within 15 calendar days from the date he or she receives a response from the Department Head.
4. The County Manager will review the matter and respond in writing within 30 calendar days of receipt of the complaint. The County Manager may employ the assistance of the Human Resources Department, the County Attorney, or any other person or official in reaching a final disposition.

ARTICLE X

PERSONNEL RECORDS

Section 1. Personnel Records Maintenance:

The Official Personnel File of every County employee shall be maintained in the County's Human Resources Department. The Human Resources Department will maintain personnel records necessary for the proper administration of the personnel system.

For purposes of this section, an employee's personnel file consists of any information in any form gathered by the County with respect to that employee relating to his application, selection or non-selection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, "employee" includes former employees of the County.

Section 2. Information Open to the Public:

The following information with respect to each County employee is a matter of public record:

- Name
- Age
- Date of original employment or appointment to county service
- The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the county has the written contract or a record of the oral contract in its possession
- Current Position
- Title
- Current Salary
- Date and amount of the most recent increase or decrease in salary
- Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification
- Date and general description of the reasons for each promotion
- Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the county. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the county setting forth the specific acts or omissions that are the basis of the dismissal.
- The office to which the employee is currently assigned

For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, deferred and all other forms of compensation paid by the County. Any person may have access to this information 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.

Section 3. Confidential Information:

All information contained in a County employee's personnel file, other than the information listed in Section 2 of this Article, is confidential and shall be open to inspection only in the following instances:

- The employee or his duly authorized agent may examine all portions of his personnel file except letters of reference solicited prior to employment, and information concerning a medical, mental or physical condition that a prudent physician would not divulge to his patient.

- A licensed physician designated in writing by the employee may examine the employee's medical record.
- A county employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file listed in the court order.
- An official of an agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- The County Manager, or Human Resources Director or his designee, may inform any person of the employment or non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a County employee and the reasons for that personnel action. Before releasing the information, the Manager or Director shall determine in writing that the release is essential to maintaining public confidence in the administration of county services or to maintaining the level and quality of county services. This written determination shall be retained in the Office of the Manager or the Human Resources Department and is a record available for public inspection, and shall become part of the employee's personnel file.

Section 4. Employee Objections to Material in File:

An employee who objects to material in his file on grounds that it is inaccurate or misleading, may seek to have the material removed from the file through the grievance process or may place in the file a statement relating to the material.

Section 5. Penalty for Permitting Access to Confidential File by Unauthorized Person:

A public official or employee who knowingly, willfully, and with malice permits any person to have access to any confidential information contained in a personnel file, except as is permitted by this section, is guilty of a Class 3 misdemeanor and upon conviction shall be fined an amount not to exceed five hundred dollars (\$500.00).

Any person, not specifically authorized by this section to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor and upon conviction shall be fined an amount not to exceed five hundred dollars (\$500.00).

Statutory Authority G.S. 153A-98

ARTICLE XI

IMPLEMENTATION OF PERSONNEL POLICIES BY RESOLUTION

Section 1. Conflicting Policies and Resolution Repealed:

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

Section 2. Separability:

If any provision of this Policy is held invalid, the remainder of this Policy will not be affected.

Section 3. Effective Date:

This Resolution passed and adopted by the Board of County Commissioners, Lenoir County, State of North Carolina, this 15th day of June, 2020.

Section 4. Amendments:

This policy may be amended by action of the Board of Commissioners and by Resolution appropriately approved. Notice of any suggested amendment to the policy shall be provided to employees. Proposed amendments should be posted on bulletin boards in employee work locations and/or in employee newsletters. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption and copies will be provided to employees.

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the attached Personnel Policy, which is made a part of this Resolution by reference, is approved as the Official Personnel Policy of the County.

AMENDMENTS:

MOVED Harris SECOND Cummings

APPROVED _____ DENIED _____ UNANIMOUS X

YEA VOTES: Sutton _____ Best _____ Cummings _____ Daughety _____

Harris _____ Hill _____ Rouse _____

Linda Rouse Sutton
Linda Rouse Sutton, Chair
Lenoir County Board of Commissioners

06/15/20
Date

V. King 06/15/20
Attest Date

DEFINITIONS

Adverse Action - An involuntary or disciplinary action resulting in a demotion, reduction in pay, suspension without pay, layoff or dismissal.

Adverse Action Appeal - A grievance or appeal by an employee of an adverse action which results in a disciplinary demotion, suspension without pay, dismissal, reduction in pay, reduction in-force or layoff, unlawful workplace harassment, retaliation, alleged discrimination, and/or denial of equal employment opportunity.

Affordable Care Act (ACA) - The Patient Protection and Affordable Care Act (PPACA), commonly known as the Affordable Care Act (ACA) or "ObamaCare", is a United States [federal statute](#) governing healthcare for both individuals and the government.

Aggregate Service - An employee's combined total period of countable service inclusive of any time allowed as transfer credit from another jurisdiction for the purpose of determining entitlement to a particular benefit in question.

Allocation - The assignment of a position to an appropriate pay grade and salary range based upon the assigned duties and responsibilities of the position.

Anniversary Date - The anniversary of the employee's original date of employment with Lenoir County in a permanent position. Employment must be continuous without a break-in-service as defined below.

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

Appointing Authority - Any board or position with legal or delegated authority for making hiring decisions. In most cases, the Appointing Authority also makes separation decisions.

Break In Service - A separation in employment from a state or local government entity for 31 or more days. Breaks in service of less than 31 days do not constitute a break in service.

Career Status - "Career Status" means an employee subject to the State Human Resources Act (SHRA) who:

- (1) Is in a permanent position appointment; and
- (2) Has been continuously employed by a SHRA covered entity for the immediate 24 preceding months without a break in service; and
- (3) Has successfully completed a probationary period with Lenoir County as set forth in this policy.

Cause- Reasons or grounds for taking an action.

Class - Positions or groups of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed, and which are assigned the same salary grade.

Complaint - A claim or complaint alleging an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application or lack of established policy pertaining to employment conditions. A complaint may involve allegations of safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair supervisory or disciplinary practices, unreasonable work quotas or any other inequity relating to conditions of employment subject to the control of the County. Complaints do not constitute Adverse Action Appeals.

Cost-of-living Increase - An annual adjustment that may be granted by the Board of County Commissioners to all pay ranges.

Covered Entity - For non-State Human Resources Act Agencies, Offices and Departments, a covered entity is an entity of local or state government that is covered by one of the Retirement Plans administered by the North Carolina Treasurer. For State Human Resources Act Agencies, a covered entity is an Agency, Office or Department in state or local government covered by the State Human Resources Act.

Demotion - The reassignment of an employee to a position or a classification having a lower pay grade and salary range and lesser responsibility than the position or the classification from which the reassignment is made.

Department Head - The highest level of supervision or top administrative official of a department of County government.

Employees Subject to the State Human Resources Act - An employee of the Department of Social Services, the Department of Health, and certain employees in the Office of Emergency Management that are subject to the provisions of the State Human Resources Act, North Carolina General Statute 126.

Exempt Employee - Employees in classifications that are considered executive, administrative, managerial, supervisory or professional that are exempt from, or not subject to the overtime provisions of the FLSA and overtime pay is not required.

Emergency Position - A position in which the duties and responsibilities are required to be attended for a period of time not to exceed sixty (60) consecutive calendar days or 480 total hours.

Full-Time Employee -

- 1) Permanent – An employee, appointed to a permanently established position, who is regularly scheduled to work the standard work period established by the County and is designated by the Board of County Commissioners as regular full-time.
- 2) Temporary – An employee who is regularly scheduled to work the standard work period established by the County and is designated by the Board of County Commissioners as a temporary full-time appointment to a temporarily established position or to serve in a full-time, permanent position for a temporary period not to exceed twelve months or the availability of funding.

Full-Time Equivalent (FTE) - An employee who occupies a position on a full-time basis and who typically works the total number of hours established for the respective department's workweek. A full-time equivalent (FTE) may also consist of multiple part time employees working in the same position. The total number of hours worked by all employees working in the same position shall not exceed the hours established for the respective department's workweek.

Furlough - A furlough is an unpaid period of leave required of an employee or employees usually as a result of funding or budget shortages. Unpaid leave as a result of a Furlough can be voluntary (taken at-will) or involuntary (taken when designated by the County).

General County Employee - A County employee assigned to a County Department not subject to the State Human Resources Act.

Grant Funded Positions - Positions which are supported wholly or in part by financial grants or other non-county monies that are time-limited based on the amount of Grant funds available.

Grievance - An appeal by an employee of an adverse action which resulted in a disciplinary demotion, suspension without pay, dismissal, reduction in pay, reduction in force or layoff, unlawful workplace harassment, retaliation, alleged discrimination, and/or denial of equal employment opportunity.

Hatch Act - A Federal Act limiting political activity for state and local government employees whose primary or principle employment is in an activity that is financed in whole or in part by grants, loans or aid from the federal government. The Act is intended to prevent political bias, interference, and coercion.

Hiring Rate - The salary paid an employee when hired into County service, normally the first step of the salary range.

Hostile Work Environment - An environment which a reasonable person would find hostile or abusive and which the complaining employee actually perceives the environment to be hostile or abusive. Hostile work environment is determined by looking at several factors including, the frequency of the allegedly harassing conduct, the severity of the conduct, whether it is physically threatening or humiliating, and how it interferes with an employee's performance.

Immediate Family – Immediate family includes wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson, and granddaughter. Also included are the step, half and in-law relationships.

Just Cause - Just Cause is a higher standard of evidence applied in disciplinary actions or adverse actions. It is defined as substantial and relevant evidence adequate to support a reasonable conclusion. Just cause is often used interchangeably with 'good cause'. It is understood to be a legally sufficient reason for the taking an adverse employment action.

Layoff – A layoff is the separation of an employee or employees through a Reduction-in-Force (RIF).

Longevity – An annual lump sum fixed-rate payment that is provided to permanent employees who complete the minimum thresholds of continuous service with Lenoir County as established by the Longevity Plan.

Maximum Salary Rate - The maximum salary authorized by the pay plan for an employee within an assigned salary grade.

Merit Increase - An increase in salary above the standard job rate based on service that exceeds the standard and/or expected performance of the assigned position.

Merit Principles - The Merit Principles reference a system of Personnel Management that embodies merit, fairness and equity. It assures that all employees are hired, promoted, rewarded, and retained on the basis of individual ability and fitness for employment without regard to race, color, sex, religion, age, or national origin. Central to this principle is the protection of employees from discrimination, improper political influence or interference and personal favoritism.

Non-Exempt Employee - Employees who are not exempt, but subject to the overtime provisions of the Fair Labor Standards Act (FLSA) and who must be compensated for overtime hours or given compensatory time off for hours worked in excess of the thresholds established by the FLSA - usually 40 hours.

Occupational Groups - A group of position classes that are significantly related by possessing similar functions and are similarly classified or allocated on the Pay and Classification Plan.

Part-Time Employee –

- 1) Permanent Part-time Employee – An employee appointed to a permanently established position, after successfully serving a probationary period, who is regularly scheduled to work less than the standard work period established by the County and is designated by the Board of County Commissioners as permanent part-time.
- 2) Temporary Part-time Employee – An employee appointed to a temporarily established position of no more than 12 months, who is regularly scheduled to work less than the standard work period established by the County, and is designated by the Board of County Commissioners as temporary part-time. An employee may also work in a permanently established position for a specified temporary period not to exceed 12 months.

Pay and Classification Plan - A formal plan approved by the Board of County Commissioners structuring and ranking all approved County Position Classifications. The Plan includes all Position Classifications by Position title, assigned Pay Grade and an established Pay Range with a minimum and a maximum salary. Other documents included as a part of the Pay and Classification Plan includes a Salary Schedule (Pay Grade and Step Table) and Position Specifications.

Pay Grade - See Salary Grade

Pay Grade Relationships - Position classifications within the same Occupational grouping should have established pay grade relationships or differentials to one another that should be maintained. For example, a Processing Assistant III is assigned to Pay Grade 57 and a Processing Assistant IV is assigned to Pay Grade 59. A ‘two-pay-grade relationship’ or differential exists between the two classifications.

Permanent Appointment - An employee in a permanently established position who is expected to be retained on a permanent basis. Permanent appointments follow the satisfactory completion of a probationary and/or the Career Status Period and/or any period in Trainee status.

Permanent Employee - An employee who has satisfactorily completed the applicable probationary period and has been approved for permanent status by his/her Department Head and/or County Manager.

Permanent Position - A position which has been approved by the Board of Commissioners and/or the State Human Resources Commission when applicable, in which the duties and responsibilities are required to be fulfilled on a continuous and recurring basis for 12 months or more, normally requiring full-time employment of an individual.

Position- A group of current duties and responsibilities assigned by competent authority, requiring the full or part-time employment of one person. A position, even though unoccupied by an employee, may still exist.

Position (Job) Descriptions– A full detailed description of the specific duties and responsibilities assigned to a position. Job descriptions typically consists of several major components including the essential job functions, the knowledge, skills and abilities required, the physical and mental demands (ADA), the work hours and workweek (FLSA), and working conditions and environmental factors (OSHA), etc. The description also includes explanations that may be necessary to clarify job duties or responsibilities and information about tools, equipment used, and relationships with other positions.

Position Management System – A systematic approach to the design, structure and process for managing the number, type and classification of all positions in County Government. It includes detailed Organizational Charts, assigned position numbers, and Position and Personnel Actions forms for all positions and employees.

Position (Job) Specifications - An official document which describes the general or typical duties, the knowledge, skills and abilities required, and the minimum education and experience qualifications for each position classification.

Probationary Employee - An individual appointed to a permanent position with Lenoir County who has served less than the probationary period established for the position.

Probationary Period - A period of time, usually six (6) months, which is an essential extension of the selection process and provides the time for effective adjustment of the new employee or the elimination of those whose performance will not meet acceptable standards. Probationary appointments are administered in accordance with the policy and procedures as set forth herein.

Progression Pay - A scheduled increase or advance in pay based on years of service or other qualifying factors such as education, training, certification and/or experience with the County in a permanent position.

Promotion - The appointment or reassignment of an employee to an existing position or classification having a higher Pay Grade and salary range than the position or classification from which the reassignment is made.

Quid Pro Quo Harassment - Quid Pro Quo is a Greek phrase meaning something for something. Quid Pro Quo Harassment includes advances of a sexual nature, request for sexual favors, and other physical or verbal conduct when:

- 1) Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; or,
- 2) Submission to or the rejection of such conduct is used as a basis for employment decisions affecting the employee.

Range Revision - When one or more classifications are assigned a new pay grade based upon labor market.

Reassignment - A change in status resulting from assignment of a position to a lower classification level. The action usually occurs as a result from a mutually agreed arrangement between management and the employee.

Reclassification - The reassignment of an existing position from one class to another based on changes in job duties, difficulty, required skill and responsibility of the work performed.

Reduction-in-Force - The abolishment of or reduction of a position or group of positions based upon organizational needs, workload demands, and/or funding.

Reserves - Employees, not in active service with the County, who are qualified, certified, trained and experienced, and available as First Responders in emergencies and otherwise when urgently needed by the County.

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

Salary Grade - A grade or level on the Pay and Classification Plan which includes a minimum and a maximum range of salaries.

Salary Range - The range or span between the minimum and maximum salary of a given Pay Grade on the Pay and Classification Plan.

Salary Schedule - A schedule commonly referred to as the Grade and Step Table that establishes Pay Grades in vertical and ascending order and Pay Steps in horizontal and ascending order. Each pay grade has minimum or beginning step and a maximum or ending step. The difference between the minimum and maximum salary of a given pay grade is the salary range.

Shared Position - See FTE. Two or more individuals sharing the same position not to exceed the work period or the workweek established for the Office, Department or Agency.

Special Entry Salary Rates - The beginning salary or hiring rate for positions within a classification for which the Board of County Commissioners have approved entry-level salary rates higher than the first step in the Pay Range. Special Entry Salary rates may be used for positions where recruiting difficulties and poor retention rates exist.

Temporary Employee - An individual appointed to serve in a position for a period of time typically not to exceed twelve (12) months, usually for a specific project or assignment. A temporary employee is not subject to participation in the County's benefits programs.

Temporary Position - A position in which the duties and responsibilities are required to be attended for a specific, short period of time, not to exceed (12) months, or for a specific project or assignment. A temporary position may be full-time or part-time.

Trainee - An employee appointed to a position in any class for which the County or the Office of State Human Resources (OSHR) has authorized a "trainee" provision and the appointee does not meet the minimum education and experience requirements for the full classification. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for the regular class. Trainees must be appointed to the regular class when he/she gains the acceptable training and experience. A trainee shall be paid at a rate below the minimum or beginning of the salary range for the regular class.

Transfer - The reassignment of an employee from one position or department to another.

Unlawful Work Place Harassment - Unwelcomed or unsolicited comments, treatment, or conduct based upon age, race, sex, religion, color, national origin, political affiliation, or handicap that creates a hostile work environment or circumstances involving quid pro quo such as sexual harassment.

Work-Against Appointment - When qualified applicants who meet education and experience requirements are unavailable, and there is no trainee provision for the classification of the vacancy, the appointing authority may appoint an employee to a position below the Pay Grade in a work-against appointment. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for the desired position through on-the-job experience. The appointee must meet the minimum education and experience standard of a lower classification within the series.

Work Week - The workweek shall be from 12:01 am on Sunday to 12:00 Midnight on Saturday.

Workplace Violence - Actions in the workplace by employees, clients, customers, relatives, acquaintances or strangers taken against county employees that includes but not limited to, intimidation, threats, physical assault, domestic violence, and other actions whether physical, verbal, or non-verbal that causes emotional duress or fear for one's personal safety or the safety of others.