

PERSONNEL ORDINANCE

SURRY COUNTY, NORTH CAROLINA

BE IT ORDAINED by the Board of County Commissioners of Surry County that the following rules and regulations shall govern the appointment, classification, salary, promotion, demotion, dismissal and conditions of employment of the employees of Surry County.

ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM

Section 1. Purpose

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

Section 2. Merit Principle

All appointments and promotions hereunder shall be made solely on the basis of merit and fitness. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for County employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's race, color, religion, sex, national origin, political affiliation, handicap or age if otherwise qualified.

Section 3. Responsibility of County Board of Commissioners

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

Section 4. Responsibility of County Manager

The County Manager shall be responsible to the Board of Commissioners for the administration and technical direction of the personnel program. The County Manager shall appoint, suspend and remove all County officers and employees except those elected by the people or whose appointments are otherwise provided for by law, or otherwise indicated in this ordinance. The County Manager shall make appointments, dismissals, and suspensions in accordance with the procedures spelled out in Articles IV and VII of this personnel administration policy.

The County Manager shall:

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

Section 5. Employees Subject to Personnel Ordinance

The provisions of this Personnel Ordinance shall be applicable to all employees except as provided below:

- (a) County Commissioners, County Manager and County Attorney;
- (b) Sheriff and Register of Deeds and employees they supervise, except that classified employees of these officials shall be subject to the Classification Plan and the Pay Plan;
- (c) employees not covered by the classification plan of this Ordinance shall be exempt from Articles II, III, and IV, except Section 5 of Article IV;
- (d) part-time officials appointed by the governing body, and employees of advisory or special boards and commissions who work an irregular schedule;
- (e) employees subject to the jurisdiction of the North Carolina Agriculture Service shall be exempt from Article II and Section

I of Article III, but shall be subject to all other provisions except when those provisions shall conflict with the North Carolina State Personnel Act or rules, Federal or State laws, or rules governing employees of the Agricultural Extension Service;

(f) the Register of Deeds and Sheriff may hire, discharge and supervise all deputies and assistants except that appointment by any Sheriff or Register of Deeds or other elected officer of a relative by blood or marriage of closer relationship than first cousin, or any person who has been previously convicted of a crime involving moral turpitude shall be approved in each case by the Board of County Commissioners. (G.S. 153A-103.)

(g) Positions subject to General Statutes 126 - regarding classifications, recruitments, appointments, and disciplinary actions.

ARTICLE II. CLASSIFICATION PLAN

Section 1. Adoption

The Position Classification Plan, as set forth in Appendix A, is hereby adopted as the Position Classification Plan for the county, and may be amended by the County Commissioners by official resolution.

Section 2. Allocation of Positions

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

Section 3. Administration of the Position Classification Plan

The County Manager shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the County Manager (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of existing positions. New positions shall be established only with the approval of the County Commissioners after which the County Manager shall either (1) allocate the new position to the appropriate class within the existing classification plan, or (2) recommend that the County Commissioners amend the position classification plan to establish a new class to which the new position may be allocated. When the County Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the County Manager shall recommend

that the County Commissioners amend the position classification plan to establish a new class to which the position may be allocated. Positions subject to the State Personnel Act will be classified in accordance with current rules and regulations of the State Personnel Commission.

ARTICLE III. THE PAY PLAN

Section 1. Adoption

The Pay Plan as set forth in Appendix B is hereby adopted as the Pay Plan for the county and may be amended by the Board of County Commissioners by official resolution. The assignment of Classes to Grades and Ranges and the Salary Schedule are a part of the Pay Plan.

Section 2. Maintenance of the Pay Plan

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

Section 3. Payment at a Listed Rate

All employees covered by the pay plan shall be paid at a listed rate within the salary ranges established for their respective job classes except for employees in a trainee status.

Section 4. Salary of Trainee

An applicant hired or an employee promoted to a position in a higher class, who does not meet all the established requirements of the position, may be appointed at a rate in the pay plan below the minimum established for the position. The rate of pay shall be established by the County Manager upon a recommendation from the department head. An employee will remain on the trainee level until the department head certifies that the trainee is qualified to assume the full responsibilities of the position and the County Manager approves the certification. The department head shall review the progress of each employee in a trainee status every six (6) months or more frequently as necessary to determine when the trainee is qualified to assume the full responsibilities of the position.

Only positions authorized "trainees" will be allowed to have employees assigned with qualifications below the minimum and a salary below the "hiring rate". For positions subject to the State Personnel Act, the Office of State Personnel will list those classes authorized to have "trainee" status. The County Manager will be responsible to establish trainee status of all other positions within the County personnel system.

Section 5. Pay Rates in Promotion, Demotion, Transfer, and Reclassification

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

- (a) An employee who is promoted shall receive an approximate 5 per cent pay increase or an increase to the minimum step of the new pay range, whichever is higher.
- (b) An employee who is demoted (voluntary or involuntary) to a position in a class with a lower salary range will have his salary adjusted to be within the salary range of the lower class. If the demoted employee is fully qualified for the new class, the responsible department head may recommend to the County Manager that the employee's salary not be decreased, provided the salary does not exceed the maximum of the new salary range.
- (c) An employee transferring from a position in one class to a position in another class assigned the same pay range shall continue to be paid at the same step rate.

Section 6. Pay Rates in Salary Range Revisions

When the County Commissioners approve a change in salary range for a class of positions, employees whose positions are allocated to that class may have their salaries raised or left unchanged.

- (a) When a class of positions is assigned to a higher pay range, employees in that class shall receive a salary recommended by the department head and the County Manager and approved by the Board of County Commissioners.
- (b) When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum step established for the new class, that employee will be ineligible for merit pay adjustments until such time that the employee either receives a promotion

or benefits from a general classwide pay increase thereby bringing the employee's rate of pay to or below the maximum rate established for the class.

Section 7. Effective Date of Salary Adjustments

The effective date of salary adjustments will be the first day of the month subsequent to the approval of the County Commissioners or at such time specified.

Section 8. Pay for Part-Time Work

The pay plan established by the policy is for full-time service. An employee appointed for less than full-time service will be paid a pro-rated amount.

Section 9. Overtime has been deleted by amendment dated July 12, 1985.

Section 10. Payroll Deductions

Federal and State income taxes, social security tax and retirement contributions shall be deducted at each pay period from each employee's pay as authorized by law and the County Commissioners. Deferred compensation, life and accident insurance and other approved benefit programs may be deducted from an employee's pay at the option of the employee. Any other payroll deductions must be approved by the Board of Commissioners.

Section 11. Pay Periods

All employees shall be paid on the last working day of each month except for the months of June and December. The employees shall be paid in December the day prior to the last work day before the County closes for the Christmas holidays. For the month of June, the employees shall be paid approximately one week prior to the end of the month, with the exact date being set by the County Manager. If the pay day falls on Saturday, Sunday, or a holiday, employees shall be paid on the last working day prior thereto.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Statement of Equal Employment Opportunity Policy

It is the policy of the County to foster, maintain, and promote equal employment opportunity. The County shall select employees on the basis of the applicant's qualifications and without regard to race, religion, color, creed, national origin, sex, political affiliation, handicap, or age.

Section 2. Implementation of EEO Policy

All personnel responsible for recruitment and employment shall continue to review regularly the implementation of this personnel policy and relevant

practices to assure that equal employment opportunity based on reasonable performance-related job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, creed, religion, national origin, or physical handicap. Notices with regard to equal employment matters shall be posted in conspicuous places on County government premises in places where notices are customarily posted.

Section 3. Recruitment Sources

Recruitment sources shall be advised periodically of the County's equal employment opportunity policy. The County shall include among its recruitment sources, organizations and news media which are utilized by and are available to minority group applicants. Unless positions are to be filled from within Surry County government by promotions or transfers, the County Manager shall publicize opportunities for employment with the county, including salary ranges and employment qualifications for positions to be filled with at least two (2) news media sources within Surry County. Information on job openings and hiring practices shall be provided to recruitment sources. Individuals shall be recruited from a geographic area as wide as is necessary to insure that well qualified applicants are obtained for County service; however, Surry County residents shall be given preference in employment when all relevant job qualifications are equal. As a condition of employment, nonresident applicants will be required to become residents of Surry County within six (6) months of his/her date of employment with the County. At the request of the department head and County Manager, the County Commissioners may grant an additional six (6) months of nonresidency status in those cases so warranted.

Section 4. Job Advertisements

Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes regarding discrimination in employment matters based on age, sex, race, color, creed, religion, national origin and physical handicap.

Section 5. Applications Process

All persons expressing interest in employment with the County shall be given the opportunity to file an application for employment.

Section 6. Qualification Standards

- (a) Employees shall meet the employment standards established by the position classification plan and such other reasonable minimum

standards of character, aptitude, ability to meet the public, and physical condition as may be established by the County Commissioners with the advice and recommendation of the County Manager and department heads.

- (b) The County's policy includes the responsibility for insuring that hiring qualifications for both entry level and promotional level jobs are fair and will continue to be fairly administered. Qualifications shall be reviewed periodically to assure that requirements conform to the actual job performance requirements.
- (c) In keeping with both these responsibilities, the County shall make every effort to hire applicants who may not meet all minimum qualifications for particular jobs, provided that the deficiencies are such that they can be eliminated through orientation and on-the-job training and fully qualified applicants are not available.

Section 7. Appointments

It is the policy of the County to employ according to merit and fitness. To that end, the County shall use adequate means to attract qualified candidates for employment, and make such investigations and examinations as are deemed appropriate to assess fairly the aptitude, education and experience, knowledge and skills, character, physical fitness and other qualities required for positions in the service of the County.

When positions are to be filled, department heads shall notify the County Manager concerning the number and classification of positions which are to be filled. The County Manager shall publicize opportunities for employment, including the salary ranges and employment qualifications. Vacancies are advertised for a time period, not less than seven (7) working days, that will allow qualified applicants to apply. After the advertisement period ends, the appropriate department head shall review all applications and recommend to the County Manager the applicant(s) found most qualified for the position(s). Current County employees may submit applications and be considered along with other applicants. Applicants to be interviewed shall be representative of protected groups if possible. If a selection cannot be made from those sent to the department head, applications of others who have applied shall be sent to the department head and the vacancy will be re-advertised if necessary.

Before a commitment is made to a candidate for employment, the department head shall forward necessary documentation to the County Manager for

approval. The County Manager will submit applications for department head level positions to the Board of Commissioners for approval.

Section 8. Probationary Period of Employment

An employee appointed to a regular position shall serve a probationary period of six (6) months. An employee may be dismissed during the probationary period at any time the department head feels the employee is not satisfactorily performing the assigned duties. A probationary employee dismissed may not appeal such action.

An employee serving a regular period following initial employment in a permanent position shall receive all benefits provided in accordance with this policy, with the following exceptions or as otherwise provided:

- (a) Employees may accumulate vacation leave but shall not be permitted to take vacation leave during the probationary period unless the denial of such leave will create an unusual hardship. Vacation leave may be taken during this period only with the prior approval of the respective department head and the County Manager. If the employee resigns or is dismissed during the probationary period, the employee is not eligible for terminal pay for vacation leave.
- (b) Before completion of the probationary period, the department head shall indicate in writing to the County Manager :
 - (1) that the employee's supervisor has discussed the new employee's progress (accomplishments, strengths, and weaknesses) with the new employee;
 - (2) whether the new employee is performing satisfactory work;
 - (3) whether the probationary period should be extended on a month-by-month basis up to an additional six (6) months maximum.
 - (4) whether the employee should be retained in the present position or should be released, transferred, or demoted.

No employee shall remain on probation for more than one (1) year.

Section 9. Promotion

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

- (b) Vacancies in positions shall be filled as far as practicable by the promotion of employees in the service of the County, subject to the limitations of Article IV, Section 7, or where such promotion would detrimentally affect that department or area in which the employee currently serves.

Section 10. Demotion

Any employee whose work in his present position is unsatisfactory or whose personal conduct is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by the warning procedures outlined in Article VII, Section 8. An employee who wishes to accept a position with less complex duties and responsibilities may be demoted for reasons other than unsatisfactory performance of duties or failure in personal conduct.

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

Section 11. Transfer

A County employee desiring to be transferred to another department must submit an application for a vacant position as required by other applicants.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Workweek

Fulltime employees normally work a prescribed work schedule as approved by the department head and County Manager and are subject to the overtime provisions set forth in Article III, Section 9. Employees in administrative, professional or managerial positions shall work the number of hours necessary to assure the satisfactory performance of their duties, but not less than the prescribed work schedule of hours per week. Employees are provided lunch break for the purpose of nourishment and relaxation to enhance productivity. Lunch breaks will be taken between the hours of 11:00 a.m. and 2:00 p.m. Employees are not authorized to forego his/her lunch break in order to leave work early.

Section 2. Gifts and Favors

- (a) No official or employee of the County shall accept any gift, whether in the form of service, loan, thing of value or promise from any person who to the employee's knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the County.

(b) No official or employee shall accept any gift, favor or thing of value that may tend to influence that employee in the discharge of duties.

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

Section 3. Political Activity Restricted

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

County employees in certain federally-aided programs are subject to the Hatch Act as amended. This federal act, in addition to prohibiting (2), (3), and (4) above, also prohibits candidacy for elective office in a partisan election.

Any violation of this section shall subject such employee to dismissal or other disciplinary action.

Section 4. Outside Employment

The work of the County will take precedence over other occupational interests of employees. All outside employment for salaries, wages, or commissions, and all self-employment must be reported to the employee's department head who in turn will report to the County Manager. The County Manager will review such employment for possible conflict of interest. Conflict of interest in this instance is defined as employment outside of County government that would impair the employee's ability to perform his/her County duties properly; would tend to influence the employee's discharge

of duties; or would provide an unfair advantage for the employee or the employer providing the employment outside of County government. Conflicting outside employment will be grounds for disciplinary action up to and including dismissal.

Section 5. Limitation of Employment of Relatives

- (a) Members of an immediate family shall not be employed at the same time if such employment would result in an employee directly or indirectly supervising a member of the immediate family.
- (b) This policy shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to the adoption of this policy.
- (c) Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and adopted relations that can be derived from those named.
- (d) Part-time temporary employees are exempt from this section of the article except that this category of employees may not be supervised by their relatives or be relatives of employees of the Surry County Finance Department.

Section 6. Residency Requirements

Employees are required to be residents of Surry County, except that newly appointed employees may be granted temporary exemption in accordance with Section 3, Article IV of this ordinance.

This policy will not be retroactive and no action will be taken concerning employees living outside the County prior to the adoption of this ordinance.

This provision, Section 6 of Article V is and shall be effective only from and after July 1, 1985.

ARTICLE VI. LEAVES OF ABSENCE

Section 1. Holidays

The following days are designated holidays with pay for employees and officers of the County working the basic workweek. (These are also State holidays; therefore, State offices located in County facilities will be closed). County Commissioners reserve the right to add or delete holidays when appropriate.

New Year's Day
Easter Monday
Memorial Day
Independence Day

Labor Day
Veteran's Day
Thanksgiving Day (2 days)
Christmas-Two (2) or three (3)
(See following Christmas
Holiday schedule)

General Election Day (Deleted). Due to the additional day after Thanksgiving as a holiday, General Election Day is deleted as a County holiday. When a holiday other than Christmas Day falls on a Saturday or a Sunday, Monday shall be observed as a holiday.

<u>When Christmas Day Falls on:</u>	<u>The County Observes</u>
Sunday	Friday and Monday
Monday	Monday and Tuesday
Tuesday	Monday, Tuesday and Wednesday
Wednesday	Tuesday, Wednesday and Thursday
Thursday	Wednesday, Thursday and Friday
Friday	Thursday and Friday
Saturday	Friday and Monday

Religious Holidays - All of the above are either legal public holidays established by the State legislature and County Commissioners or related days (the days before and after Christmas). Employees may wish to be away from work on certain days for religious observances, such as Yom Kippur, Good Friday, etc. Department heads should attempt to arrange the work schedule so that an employee may be granted vacation leave when it is requested because the day is a major religious observance for that employee.

Section 2. Effect of Work on Holidays or Unscheduled Workdays on Other Types of Leave.

Regular holidays or unscheduled workdays which occur during a vacation, sick or other leave period of any officer or employee of the County shall not be considered as vacation, sick or other leave.

Section 3. Holiday - When Work Required

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off, in accordance with Article III, Section 9, Overtime.

Section 4. Vacation Leave

- (a) Vacation Earned. A full-time regular, probationary, or trainee employee who is in pay status for one-half or more of the regularly scheduled workdays in any month earns vacation leave. The rate is based on the length of consecutive county service. Vacation leave for employees shall be computed at the following rates:

<u>Years of Consecutive County Service*</u>	<u>Hours Earned Each Month</u>	<u>Hours Earned Each Year</u>
Less than 2 years	7	84
2 but less than 5 years	9	108
5 but less than 10 years	10	120
10 but less than 20 years	12	144
20 years or more	15	180

Exceptions: (1) Employees appointed prior to the adoption of this policy shall continue to earn 15 days per year. After completing ten (10) years of consecutive county service, vacation leave for these employees will then be computed from the above table.

A part-time regular, probationary or trainee employee earns vacation leave on a pro rata basis. The leave shall be computed as a percentage of total amount earned by a full-time employee with the same amount of consecutive county service.

(2) Departments or agencies that have other than normal work schedules will have their rate of vacation earned established depending on the amount of hours worked per shift and/or schedule. These rates will be pro-rated in accordance with the standard rate shown above and approved by the department head concerned and the County Manager.

*Years of Consecutive County Service - The number of years an employee has worked for the County without a break in his/her pay status. Authorized leaves of absences without pay will be deducted from the accrued consecutive years of County service. A complete break in services such as a termination, resignation, etc., will cause the employee to commence a new date of consecutive County service. (Exception: See Section 14., page 30.)

(b) Vacation Leave Accumulation: - Vacation leave may accumulate to a maximum of thirty (30) days. On December 31 any employee with more than thirty (30) days of accumulated leave shall have the excess accumulation cancelled so that only thirty (30) days are carried forward to January 1 of the next calendar year .

(c) Granting of Vacation Leave - Employees shall be granted the use of earned vacation leave upon request or at those times designated by the department heads which will least obstruct normal operations of the department. Department heads will have their vacation leave approved by the County Manager and will submit request for approval in accordance with the prescribed time limits established by the County Manager. However, an employee shall not be granted vacation leave while serving the first six (6) months of his/her probationary period unless the denial of the leave would create an unusual hardship.

(d) Vacation Leave Uses and Charges

(1) Vacation leave may be taken for any purpose to include use for

sick leave purposes.

(2) Vacation leave may be taken in units of one (1) hour.

(3) Only scheduled workdays shall be charged in calculating the amount of leave taken. Holidays are not charged as vacation leave when they occur during a period employee is taking leave.

(e) Payment for Vacation Leave Upon Separation

An employee shall be paid in a lump sum for accumulated vacation leave not to exceed a maximum of thirty (30) days (including any compensatory time to be paid) when he/she is separated due to resignation, dismissal, reduction-in-force, death, or service retirement (optional on leave without pay). Upon the death of an employee authorized to earn vacation leave, compensation for accumulated vacation leave (or compensatory time) shall be paid to his/her estate. Should an employee be separated from County service before he/she has earned all of the vacation leave taken, deductions shall be made from the final salary check for overdrawn leave. It is not the policy of the County to advance vacation leave to employees; however, the County Manager may approve advance vacation leave in those cases where denial would cause an extreme hardship on the employee. Request must be submitted with documentation from the employee through the department head.

(f) Transfer of Vacation Leave

Unused vacation leave may be transferred within County departments, but will not be accepted from agencies outside of Surry County government.

Section 5. Sick Leave

(a) Sick Leave is a Privilege. Sick leave with pay is not a right which an employee may demand, but a privilege granted by the County. Notification of the desire to take sick leave should be submitted to the employee's department head prior to the leave if possible, or not later than two (2) hours after the beginning of the scheduled workday.

(b) Sick Leave Earned. A full-time, regular, probationary or trainee employee who is in pay status for one-half or more of the regularly scheduled workdays in any month earns sick leave at the rate of eight (8) hours per month or ninety-six (96) hours per year. A part-time regular, probationary or trainee employee earns sick leave on a pro rata basis.

- (c) Previous Sick Leave Credit. Sick leave credits accumulated by each employee as of the effective date of this ordinance shall be retained by the employee until used in accordance with the provisions of this ordinance.
- (d) Granting of Sick Leave. An employee may be granted sick leave from work with pay if his/her absence is due to sickness, bodily injury, quarantine, required physical or dental examinations or treatment, exposure to a contagious disease when continued work might jeopardize the health of others, disability, illness in the employee's immediate family which requires the care of the employee, or the funeral of a member of the employee's family.
- Immediate family shall be deemed to include spouse, mother, father, guardian, children, sister, brother, grandparents, and grandchildren, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named.
- (e) Physician's Certificate. Department heads may require a physician's certificate as to the nature of the illness and as to the employee's physical capacity to resume his/her duties for each occasion on which an employee uses sick leave. The employee may be required to submit to such medical examinations or inquiries as the department head and/or County Manager deems necessary. The department head shall be responsible for the application of this provision to the end that (1) employees shall not be on duty when they might endanger their health or the health of other employees, and (2) there will be no abuse of sick leave privileges.
- (f) Sick Leave Accumulation. Sick leave shall be cumulative with no limit on the maximum accumulation.
- (g) Credit for Accumulated Sick Leave. Employees who are reinstated within five (5) years from their date of separation shall be credited with their previously accumulated sick leave.
- (h) Transfer of Sick Leave. Employees appointed to positions in County government from positions in other jurisdictions belonging to the (1) North Carolina Local Government Retirement System (2) Law Enforcement Officer's Benefit and Retirement Fund (3) North Carolina Teacher's and State Employee's Retirement System or (4) other North Carolina governmental retirement systems affiliated with these systems, may request that their accumulated sick leave be transferred

to the joining County department. Consideration of these requests will be made by the County Commissioners on an individual case basis.

- (i) Advancement of Sick Leave. An employee may request advance sick leave when their sick leave, vacation leave and compensatory time is exhausted due to a major sickness or injury. Subject to the recommendation of the department head, the County Manager may advance sick leave not to exceed the amount an employee can earn during a one (1) year period. At the time of an employee's separation from County service, any sick leave owed the County shall be deducted from the employee's final compensation.
- (j) Separation. No employee shall be paid for accumulated sick leave at time of termination from County service.
- (k) Sick Leave Charges. Only scheduled workdays shall be charged in calculating the amount of leave taken. Holidays shall not be counted as sick leave.

Section 6. Leave Without Pay - Policy

An employee may be granted a leave of absence without pay for a period not to exceed one (1) year for reasons of personal or family illness or injury, *parental leave, completion of education, or special work which will permit the county to profit by the experience gained or the work performed. *Parental leave is for the natural parents of a newborn infant or the parents of a newly-adopted child under five (5) years of age. Parental leave may not be granted earlier than one (1) week prior to the birth or adoption of the child. (The exception to this will be the natural mother in a childbirth situation). Upon the recommendation of the supervising department head, the County Manager is authorized to approve request in duration of up to thirty (30) days. All requests of more than thirty (30) days must be approved by the County Commissioners.

Section 7. Leave Without Pay - Retention and Continuation of Benefits.

An employee shall retain all unused vacation and sick leave while on leave without pay. An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the County's group insurance plans, subject to any regulations adopted by the County Commissioners and the regulations of the respective companies.

Section 8. Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may receive Workers'

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

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

Section 9. Maternity Leave - Employee Responsibility

An employee desiring to take a leave of absence from work for reasons caused by or contributed to by pregnancy, miscarriage, abortion, childbirth, or recovery therefrom shall apply in writing to her department head stating the nature of her condition, the anticipated dates and duration of the requested leave and the types of leave requested. The department head shall forward her request to the County Manager for approval. She is obligated to return to duty by the end of the time determined appropriate. If she finds she will not return to work, she shall notify her department head immediately. Failure to report at the expiration of a leave of absence unless an extension has been requested and approved shall be considered a resignation.

Section 10. Maternity Leave - Use of Leave

An employee may request maternity leave up to six (6) months in duration. During this period of time they may use sick leave, vacation, compensatory time or leave without pay or any combination of the four. If complications are present at the completion of the maternity leave, the employee may request further leave without pay in accordance with Section 6 (Leave Without Pay - Policy) of this Article.

Section 11. Military Leave

Employees who are members of the National Guard or Armed Forces Reserve shall be allowed two (2) weeks military training leave with pay in one calendar year. Military leave shall not be charged against the annual leave for which the employee may be eligible.

Section 12. Civil Leave

A County employee called for jury duty or as a witness in any civil or criminal legal proceeding shall receive leave with pay for each duty during the required absence without charge to accumulated vacation, or sick leave.

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

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

Section 13. Educational Leave

A leave of absence at full or part pay for a period not to exceed nine (9) months may be granted by the Board of Commissioners to an employee upon the recommendation of the supervising department head and the County Manager to permit an employee to take courses of study which will better equip the employee to perform his duties.

An employee granted educational leave with pay shall agree to return to the service of the County upon completion of his training and remain in the employ of the County for a period equal to twice the educational leave which he received, or reimburse the County for all compensation received while on educational leave.

ARTICLE VII. SEPARATION, DISCIPLINARY ACTION, AND REINSTATEMENT

Section 1. Types of Separation

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

Section 2. Resignation

A minimum of two (2) weeks notice is required of all resigning personnel. Such notice shall be given to the department head (or in the case of department heads, to the County Manager).

Section 3. Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, the need for the employee's service, and seniority in determining those employees to be retained. Employees who are laid off because of reduction in force shall be given at least two (2) weeks notice of anticipated lay-off. No regular employee shall be separated while there are temporary or probationary

employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

Section 4. Disability

An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment. Action may be initiated by the employee or the County but in all cases it shall be supported by medical evidence as certified by a competent physician. The County may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the County's service for which the employee may be suited.

Section 5. Retirement Age

Excluding disability or voluntary earlier retirement, each employee shall be retired on June 30 following his seventieth (70th) birthday; provided that, subject to the annual approval of the County Commissioners, such employee may be granted one-year extension(s) in service past the age of seventy (70). Such approval shall be based upon the recommendation of the employee's department head and the County Manager and upon the findings of a medical examiner designated by the County Commissioners if so requested by the Commissioners.

Section 6. Death

All compensation due in accordance with this ordinance will be paid to the estate of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

Section 7. Disciplinary Action

An employee may be suspended or demoted by the department head, or dismissed by the County Manager, because of failure in performance of duties or failure in personal conduct. The department head shall provide the employee with a written notice including the effective date, reasons for the action, and appeal rights available to the employee. The County Manager must approve all separations.

Section 8. Failure in Performance of Duties

An employee whose work is unsatisfactory over a period of time shall be notified by the department head in what way the employee's work is deficient and what must be done if the work is to be satisfactory.

An employee who is suspended, demoted or dismissed for unsatisfactory performance of duties shall normally receive at least three (3) warnings before disciplinary action is taken. First, one or more oral warnings must be issued by the employee's department head; second, an oral warning with a follow-up letter to the employee which sets forth the points covered in their discussion must be issued by the department head and third, a written warning must be issued by the department head serving notice upon the employee that corrected performance must take place immediately in order to avoid disciplinary actions. The department head must record the dates of their discussions with the employee, the performance deficiencies, discussions and the corrective actions recommended, and must file the information in the employee's personnel folder.

The following causes relating to failure in the performance of duties are examples of those considered to be adequate grounds for suspension, demotion, or dismissal:

- (a) inefficiency, negligence, carelessness, or incompetence in the performance of duties;
- (b) careless, negligent or improper use of County property or equipment;
- (c) physical or mental incapacity to perform duties;
- (d) discourteous treatment of the public or other employees;
- (e) absence without approved leave;
- (f) constant improper use of leave privileges;
- (g) frequent pattern of failure to report for duty at the assigned time and place;
- (h) insubordination.

Section 9. Failure in Personal Conduct

An employee may be suspended, demoted or dismissed for causes relating to personal conduct detrimental to County service (1) in order to avoid undue disruption of work, (2) to protect the safety of persons or property, or (3) for other serious reasons. The following causes relating to failure in personal conduct are representative of those considered to be adequate grounds for suspension, demotion or dismissal:

- (a) fraud in securing appointment;
- (b) conviction of a felony or a misdemeanor which would adversely affect the performance of duties, or the entry of a plea of "no contest" or "guilty" to either;
- (c) misappropriation of County funds or property;
- (d) falsification of County records for personal profit or to grant special privileges;

(e) reporting to work under the influence of alcohol or narcotic drugs or partaking of such things while on duty or while on public property, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary.

An employee suspended, demoted, or dismissed for causes relating to personal conduct shall (before disciplinary action) be given a statement of the charges, be allowed to respond orally and in writing, and be given a prompt written statement of the decision of the department head and the County Manager.

Section 10. Disciplinary Suspension

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

Section 11. Immediate Disciplinary Suspension

An employee may be suspended without notice by the department head or County Manager for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a department head or the County Manager suspends an employee, he shall tell the employee to leave County property at once and remain away until further notice. A written summary giving the circumstances and facts leading to the suspension shall be prepared; one copy shall be delivered to the employee by certified mail, one copy shall be filed in the employee's personnel folder, and one copy given to the County Manager, if written by the department head.

Section 12. Non-Disciplinary Suspension

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

Full recovery of pay and benefits for the period of non-disciplinary suspension will be authorized by the County Commissioners if the suspension is terminated with full reinstatement of the employee.

Section 13. Dismissal

All dismissals shall be preceded by an automatic three (3) day suspension

without pay pending completion of an investigation by the County Manager. If the County Manager determines that the dismissal action seems appropriate he shall attempt to set a conference with the employee for the purpose of discussing the allegations brought against him. If the County Manager determines that a dismissal action is appropriate, such dismissal shall be effective at the end of the three (3) day suspension.

If a dismissal is made at the end of this period, a written summary giving the circumstances and facts leading to the dismissal shall be prepared by the County Manager. A copy of the summary shall be delivered to the employee by certified mail and one copy shall be filed in the employee's personnel folder.

Section 14. Reinstatement

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

ARTICLE VIII. GRIEVANCE PROCEDURE

Section 1. Purpose

- (a) To provide employees a procedure by which their complaints can be considered rapidly, fairly, and without reprisal.
- (b) To encourage employees to express themselves about the conditions of work which affect them as employees.
- (c) To promote better understanding of policies, practices, and procedures that affect employees.
- (d) To instill in employees confidence that personnel actions are taken in accordance with established, fair, and uniform policies and procedures.

- (e) To develop in supervisors a greater sense of responsibility in their dealings with employees.

Section 2. Grievance - Definition

A grievance is any cause for dissatisfaction outside an employee's control which grows out of employment with the County.

Section 3. Grievance Procedure - Policy

It is the policy of the County to provide a means whereby employees may freely discuss problems with supervisors and to provide a procedure for the presentation and mutual adjustment of points of disagreement that arise between employees and their supervisors.

Section 4. Grievance Procedure - Steps

When an employee has a claim or complaint concerning the condition of his employment with the County, the following successive steps are to be taken. The number of days indicated at each level should be considered the maximum number of working days unless provided for otherwise and every effort should be made to expedite the process. However, when mutually agreed upon, the time limits given below may be extended.

Step One. The employee with a grievance shall present the matter orally or in writing to his department head within thirty (30) days of its occurrence or within thirty (30) days of the time the employee learns of its occurrence, with the objective of resolving the matter informally. The department head should and is encouraged to consult with the County employee or officer deemed necessary to reach a correct, impartial and equitable determination and shall give the employee an answer as soon as possible, but within five (5) working days. The grievance and answer shall be reported to the County Manager.

Step Two. If the grievance is not resolved to the satisfaction of the employee, he or she may ask within ten (10) working days that the written grievance presented in Step One be referred to the County Manager, who shall arrange a time to hear the employee and his or her representative and give an answer in writing within ten (10) working days. The decision of the County Manager ends the formal hearing process except those employees listed in Section 6 of this Article.

Section 5. Appeal of Disciplinary or Discriminatory Action

Any employee who is demoted, suspended, dismissed, reduced in pay, transferred or laid off or alleges discrimination may appeal directly to the County Manager in writing within ten (10) working days of the occurrence of the action. The County Manager shall hear the grievance within ten

(10) working days and render a decision within ten (10) working days after the hearing.

Section 6. Employees Subject to State Personnel Act

Employees subject to the State Personnel Act may appeal grievances to the Office of State Personnel (Personnel Commission) in accordance with "Personnel Policies, State of North Carolina, Local Government Employees Subject to the State Personnel Act." It is expected that County employees covered by this section will utilize the County's Grievance Procedure prior to submitting their grievance to the Office of State Personnel.

Section 7. Back Pay Awards

Full back pay and benefits shall be awarded to fully reinstated employees winning appeals in suspension, demotion, dismissal and discriminated cases.

ARTICLE IX. EMPLOYEE BENEFITS

Section 1. Insurance Benefits

The County has made group life and health insurance programs available for employee participation.

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

Section 2. Old Age and Survivor's Insurance (FICA)

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

Section 3. Retirement Benefits

The County provides retirement benefits for its employees. Such benefits are provided through any one of the following:

1. The North Carolina Local Governmental Employees' Retirement System (or, for law enforcement officers, the Law Enforcement Officers' Benefits and Retirement Fund);
2. a plan contracted with a private insurance company; or
3. a local retirement system.

Section 4. Workers' Compensation Benefits

County employees are covered by the North Carolina Workers' Compensation Act, and are required to report all injuries arising out of and in the course of employment to the County Manager.

Section 5. Accrual of Employee Benefits

Employees appointed on/or before the 15th of a given month and/or terminated after the 15th of the month, will accrue benefits for that month. An

exception to this policy will be an employee's salary which will accrue on an actual day basis.

Section 6. Reimbursement for Training Expense

When an employee enters into a job-related training program, he/she will be reimbursed for expenses such as tuition and books upon successful completion of the course, provided prior approval was granted by the appropriate authority. Department heads may authorize payment up to five hundred dollars (\$500) to include advance payment when necessary. Payments above five hundred dollars (\$500) must have prior approval of the County Manager and Board of Commissioners.

ARTICLE X. PERSONNEL RECORDS AND REPORTS

Section 1. Personnel Records Maintenance

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the County Manager. The County shall maintain in personnel records only information that is relevant to accomplishing personnel administration purposes in accordance with G.S.-153A-98.

Section 2. Remedies of Employees Objecting to Material in File

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

ARTICLE XI. IMPLEMENTATION OF ORDINANCE

Section 1. Conflicting Policies Repealed

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

Section 2. Separability

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

Section 3. Violations of Ordinance Provisions

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

Section 4. Effective Date

This policy shall become effective as of May 20, 1985.