

PERSONNEL ORDINANCE  
SURRY COUNTY, NORTH CAROLINA

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

ARTICLE I  
ORGANIZATION OF THE 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 GS 153A, Article 5, and GS 126 of the General Statutes of North Carolina.

**Section 2. Employment Principle**

All appointments and promotions shall be made on the basis of qualification and suitability for the position. 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, religion, color, creed, national origin, gender, political affiliation, disability or age.

**Section 3. Responsibility of Board of County 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 the Office of County Manager**

The County Manager and/or designee shall be responsible to the Board of County Commissioners for the administration of the personnel program. The County Manager and/or designee shall approve appointments, suspensions and dismissals of all County employees except those elected by the people, or appointments otherwise indicated in this ordinance. The County Manager and/or designee shall approve appointments, dismissals, suspensions, and transfers including authorizing any related budget transfers, in accordance with the procedures outlined in Articles III, IV and VII of this personnel administration policy. The County Manager may temporarily reassign employees to fill a void created by sickness or employee leave of absence for up to a time period of two years.

The County Manager and/or designee 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 that includes title of position, salary and other necessary data;
- 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 other duties as may be assigned by the County Commissioners.

**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; (Reference: G.S. 153A-92)
- c. Part-time officials appointed by the governing body and employees of advisory or special boards and commissions who work an irregular schedule;
- d. Employees subject to the jurisdiction of the North Carolina Cooperative Extension 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 Cooperative Extension Service.
- e. The Register of Deeds and Sheriff may hire, discharge and supervise all deputies, assistants, and other staff 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. (Reference: G.S. 153A-103.)
- f. Positions subject to General Statutes 126 - regarding classifications, recruitments, appointments and disciplinary actions.

**ARTICLE II  
POSITION CLASSIFICATION PLAN**

**Section 1. Adoption**

The Position Classification Plan is a stand-alone document approved as the Salary Classification Plan for the County, and may be amended by the County Commissioners by a majority vote.

## **Section 2. Allocation of Positions**

The County Manager and/or designee 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.

## **Section 3. Administration of the Position Classification Plan**

Department heads/elected officials\* shall be responsible for bringing to the attention of the County Manager and/or designee (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 for full-time regular employment or part-time regular employment shall be established with the approval of the County Commissioners or with the approval of the County Manager in situations requiring no additional County funds after which the County Manager and/or designee 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. Full-time temporary or part-time temporary employees may be hired by department heads/elected officials subject to funds being available in their budgets as approved by the County Commissioners. 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.

\* For purposes of this Ordinance, “department head” refers to those employees designated by the County Commissioners as department heads. “Elected official” refers to the Sheriff and Register of Deeds.

## ARTICLE III THE PAY PLAN

### **Section 1. Adoption**

The Pay Plan has been approved as the Salary Plan for the County and may be amended by the Board of County Commissioners by majority vote. 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 and/or designee 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. The County Manager

and/or designee 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 classifications except for employees in a trainee status. The County Manager may approve salary adjustments of up to an approximate 5% in situations when comparative studies of all factors indicate a pay adjustment is warranted.

### **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/elected official. An employee will remain on the trainee level until the department head/elected official certifies that the trainee is qualified to assume the full responsibilities of the position and the County Manager/designee approves the certification. The department head/elected official 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. For positions subject to the State Personnel Act, the Office of State Personnel will list those classes authorized to have "trainee" status. Only positions authorized "trainees" will be allowed to have employees assigned with qualifications below the minimum and a salary below the "hiring rate." The Regional Personnel Office shall determine the length of a trainee appointment for those subject to the State Personnel Act who do not meet the minimum qualifications of the position.

### **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 or whose position is reclassified to a higher grade shall receive a step increase which is nearest in dollar terms to five percent or an increase to the minimum step of the new pay range, whichever is higher. It is the intent of this paragraph to establish the minimum pay increase which a promoted or reclassified employee shall receive. The Board of Commissioners may make appointments above these minimums, based upon factors such as the employee's job skills, complexity of job duties, training, certifications, and other job-related factors, and to insure conditions of pay equity.
- b. An employee who is demoted (voluntarily or involuntarily) to a position in a class with a lower salary range will have a salary adjustment to be within the salary range of the lower class. If the demoted employee is fully qualified for the new class, the department head/elected official may recommend to the County Manager/designee 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.
- d. An employee whose position is reclassified to a lower grade shall not receive a salary reduction, unless the employee's present salary exceeds the maximum of the new salary range, in which case the employee's salary shall be reduced to the maximum of the new grade.

**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 increased or left unchanged.

- a. When a class of positions is assigned to a higher pay grade, employees in that class shall receive a salary recommended by the department head/elected official, the County Manager, and approved by the Board of County Commissioners.
- b. When a class of positions is assigned to a lower pay grade, the salaries of employees in that class will remain unchanged.

**Section 7. Effective Date of Salary Adjustments**

Unless an effective date is approved in the Board action, the effective date of salary adjustment for any change approved by the Board of County Commissioners, on or before the 15<sup>th</sup> of each month, will be retroactive to the first of the month. Any change approved by the Board of County Commissioners after the 15<sup>th</sup> of each month will be effective the first of the following month,

**Section 8. Pay for Work**

The pay plan established by this Ordinance is for regular employment. Temporary employees shall be paid at a rate recommended by the department head, working in conjunction with the Assistant County Manager for Human Resources and Operations. The categories of employees are defined as follows:

1. Regular full-time – An employee hired in regular status in an established position who is scheduled for the standard departmental work schedule and whose position is designated by the Board of County Commissioners as regular full-time. An employee is hired in probationary status in a regular full-time position, as described in Article IV, Section 8.
2. Regular part-time – An employee hired in regular status in an established position who is regularly scheduled for less than the standard departmental work schedule and whose position is designated by the Board of County Commissioners as regular part-time. An employee is hired in probationary status in a regular part-time position, as described in Article IV, Section 8.
3. Temporary full-time – An employee hired in regular status in a temporarily established position who is regularly scheduled for the standard departmental work schedule and whose position is designated by the Board of County Commissioners as temporary full-time.

4. Temporary part-time – An employee hired in a temporarily established position who is scheduled for less than the standard departmental work schedule and whose position is designated by the Board of County Commissioners as temporary part-time.
5. Contractual worker – Workers engaged as contractual employees subject to payroll withholding due to meeting established IRS employee guidelines regarding behavioral control, financial control, and relationship of the parties. Use of this temporary category requires approval of Human Resources. Such contractual employees will be exempt from the benefits and requirements of the Personnel Ordinance and other applicable County policies including drug-testing and background checks unless specified by contractual agreement or County eligibility practices.
6. Board appointees – Citizens appointed by the Board of County Commissioners and other authorities to serve on various Boards and Commissions will be exempt from the benefits and requirements of the Personnel Ordinance and other applicable County policies including drug-testing and background checks.

An employee subject to the State Personnel Act will not remain in temporary status for more than one year.

#### **Section 9. Overtime/Compensatory Time**

Overtime work is work performed by an employee which exceeds the established work week or other authorized work period of the employee. Department heads/elected officials shall arrange work schedules of their employees to accomplish the required work within the standard work week or other authorized work period. Employees may be required to work overtime in emergencies and with prior approval of authorized representatives. When overtime work is unavoidable, compensation shall be made in accordance with requirements of the Federal Fair Labor Standards Act and policies which have been approved by the Board of County Commissioners. Compensatory time will be earned in accordance with the exempt/nonexempt employee status in accordance with the Fair Labor Standards Act.

#### **Section 10. Payroll Deductions**

Federal and state income taxes, social security tax and retirement contributions, as applicable, shall be deducted every pay period from each employee's pay as authorized by law. Other deductions from approved benefit programs may be made from an employee's pay at the option of the employee or as required by law.

#### **Section 11. Pay Periods**

The scheduled payday is the last working day of each month except for the month of December. Employees may be paid the last workday in December before the County closes for the Christmas holidays. A completed timesheet, with signature, will be required before the check is received.

## ARTICLE IV RECRUITMENT AND EMPLOYMENT

### **Section 1. Statement of Equal Employment Opportunity Policy**

It is the policy of the County to 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, gender, political affiliation, disability, or age.

### **Section 2. Implementation of EEO Policy**

All personnel responsible for recruitment and employment shall regularly review 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. No employee or applicant for employment shall be subjected to discrimination because of race, religion, color, creed, national origin, gender, political affiliation, disability, or age. Notices with regard to equal employment information shall be posted in visible places on County government premises.

### **Section 3. Recruitment Sources**

Recruitment sources shall be advised of the County's equal employment opportunity policy. The County shall include, among its recruitment sources, organizations that are available to all applicants. Unless positions are to be filled from within Surry County Government, the Assistant County Manager for Human Resources and Operations shall publicize opportunities for employment, including salary ranges and employment qualifications for vacant positions with internal County postings, the Surry County website, the Employment Security Commission and other appropriate sources.

### **Section 4. Job Advertisements**

Employment advertisements shall contain statements of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters based on race, religion, color, creed, national origin, gender, political affiliation, disability, or age.

### **Section 5. Application Process**

All persons expressing interest in employment with the County shall be given the opportunity to file an application for employment when vacancies are advertised and applications are received by the closing deadline. Applications are not accepted at other times.

### **Section 6. Qualification Standards**

- a. Employees shall meet the employment standards established by the County Commissioners and set forth in the job description.

- b. The County's policy includes the responsibility for insuring that hiring practices for both entry level and promotional level jobs are fairly administered. Qualifications shall be reviewed periodically to assure that recruitments conform to the actual job performance requirements.
- c. The County may hire applicants who do 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 suitable applicants are not available.

### **Section 7. Vacancies**

When positions are vacant, department heads shall notify the Assistant County Manager for Human Resources and Operations concerning the number and classification of positions to be filled. Human Resources shall publicize opportunities for employment, including the salary ranges and employment qualifications. Vacancies shall be advertised for a time period not less than seven working days. The appropriate department head and their designee shall review all applications and make a selection on the candidate most suitable for the position. A position may be filled with an overlap of up to ninety days, for training purposes, when funding exists within the department's budget and recommendation is made by the department head and approved by the County Manager. The County Manager and/or Assistant County Manager for Human Resources and Operations will approve a hiring rate above a Step 1 based on the qualifications and experience of the applicant. Current County employees may submit applications and be considered along with other applicants. If a selection cannot be made, the vacancy may be re-advertised. The Board of County Commissioners shall make final appointment of department heads or authorize the County Manager to do so on a case-by-case basis. If a vacancy has been advertised and another position of the same classification becomes vacant in the same department, the same applicant pool may be considered, at the department head's option, without re-advertising, if the new recruitment process begins within sixty workdays of the first closing date.

### **Section 8. Probationary Period of Employment**

An employee appointed to a regular position (excluding temporary appointments) shall serve a probationary period of no less than six or more than nine months. An employee may be dismissed during the probationary period at any time the department head/elected official feels the employee is not satisfactorily performing the assigned duties. A probationary employee dismissed may not appeal such action.

Annual leave may be taken during the probationary period only with the prior approval of the respective department head/elected official. Compensatory time, holidays, and sick leave may be taken during the probationary period.

Before completion of the probationary period, the department head/elected official shall indicate in writing to the Assistant County Manager for Human Resources and Operations:

1. that the employee's supervisor has discussed the new employee's progress and completed the six month evaluation form;
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 three months maximum;
4. whether the employee should be retained in the present position or should be terminated, transferred or demoted.

### **Section 9. Promotion**

- a. Candidates for promotion shall be chosen on the basis of existing vacancies, on their qualifications, and on their work records, without regard to race, religion, color, creed, national origin, gender, political affiliation, disability, or age.
- b. Vacancies may be filled by the promotion of employees in the service of the County in accordance with the rules and regulations of the County Personnel Ordinance.

### **Section 10. Demotion**

Any employee whose work is unsatisfactory or whose personal conduct is unsatisfactory may be demoted. Such a demotion shall be preceded by the warning procedures outlined in Article VII. 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 as addressed in Article VIII.

### **Section 11. Transfer**

An employee desiring to be transferred to another department must submit an application for an advertised position.

## ARTICLE V CONDITIONS OF EMPLOYMENT

### **Section 1. Workweek**

Full time employees normally work a prescribed work schedule as approved by the department head/elected official and County Manager and are subject to the overtime/compensatory time provisions set forth in Article III, Section 9. Employees shall work the number of hours necessary to assure the satisfactory performance of their duties, but not less than the prescribed work schedule.

### **Section 2. Gifts and Favors**

No official or employee of the County shall accept or offer any gift, service or loan from any person interested directly or indirectly in conducting business with the County.

### **Section 3. Political Activity Restricted**

Employees 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 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 or Assistant County Manager for Human Resources and Operations. They will review such employment for possible conflict of interest or negative impact on the public's perception of County governmental operations. Conflict of interest 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 employer providing the employment outside of County government. Conflicting outside employment will be grounds for disciplinary action up to and including dismissal. If an outside employment request has been denied, the request for the same outside employment may not be resubmitted for reconsideration for at least one year.

### **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, aunt, uncle, niece, nephew, grandparents, grandchildren, plus the various combinations of half, step, in-law, and adopted relations that can be derived from those named.

## **Section 6. Workplace Harassment Policy**

The purpose of this policy is to establish that the County of Surry prohibits unlawful workplace harassment to employees and to ensure that the County of Surry work sites are free of unlawful workplace harassment. This policy prohibits retaliation against employees.

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

1. Unlawful Workplace Harassment is unwelcome or unsolicited speech or conduct based upon race, gender, creed, religion, national origin, age, color, or disability as defined by G.S. 168 A-3 that creates a hostile work environment or circumstances involving quid pro quo.
2. Hostile Work Environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. 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 or former employee who alleges unlawful workplace harassment or retaliation in violation of this policy may file a grievance through the County of Surry grievance procedure.

## **Section 7. Drug Testing Policy**

Any applicant being offered employment with the County of Surry must complete a consent form and be drug tested within twenty-four hours of the job offer. If the applicant later declines employment, he/she will be required to pay the cost of the drug test.

## **Section 8. Conflict of Interest**

The County of Surry, North Carolina, will fully comply with NCGS 14-234, "Public officers or employees benefitting from public contracts". All employees and officials of the County of Surry will be aware of and comply with NCGS 14-234 including the following provisions:

1. State law prohibits public officers and employees from
  - a. deriving a direct benefit from contracts they are involved in making or administering;
  - b. attempting to influence any other person who is responsible for making or administering a contract from which the public officer or state employee derives a direct benefit; or
  - c. soliciting or receiving any gift, reward, or promise of reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency.

**ARTICLE VI  
LEAVE AND HOLIDAY POLICIES**

**Section 1. Accrual of Leave**

Employees beginning work on/or before the 15<sup>th</sup> of a given month and/or terminated after the 15<sup>th</sup> of the month will accrue benefits for that month. Temporary employees are not eligible to earn leave. Regular part-time employees working 50% or more earn annual leave, sick leave, and petty on a prorated basis.

**Section 2. Annual Leave**

- (a) Annual 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 annual leave. However, leave earned for the current month is not available for use until the 16<sup>th</sup> of the month. The hours earned are based on the length of consecutive County service. Annual leave for employees shall be computed at the following rates:

| <u>Years of Consecutive<br/>County Service*</u> | <u>Hours Earned<br/>Each Month</u> | <u>Hours Earned<br/>Each Year</u> |
|---|------------------------------------|-----------------------------------|
| Less than 2 Years                               | 8                                  | 96                                |
| 2 But Less than 5 Years                         | 9                                  | 108                               |
| 5 But Less than 10 Years                        | 11                                 | 132                               |
| 10 But Less than 15 Years                       | 13                                 | 156                               |
| 15 But Less than 20 Years                       | 15                                 | 180                               |
| 20 years or more                                | 17                                 | 204                               |

- (1) \*Years of Consecutive County Service  
The number of years an employee has worked for the County without a break in his/her pay status. Leave without pay and temporary service will be deducted from the accrued consecutive years of County service. A complete break in service will begin a new date of consecutive County service. An employee who returns within one year may be reinstated with the approval of the department head/elected official and County Manager/designee.

- (b) Annual Leave Accumulation  
Annual leave may accumulate to a maximum of 240 hours at the end of the December/January timesheet cut-off. An employee with more than 240 hours of accumulated annual leave shall have the excess accumulation transferred to sick leave. Leave earned for the month of January is not included in the 240 hours.
- (c) Granting of Annual Leave  
Employees shall be granted the use of earned annual leave upon request or at those times designated by the department head/elected official which will least obstruct normal operations of the department.
- (d) Annual Leave Uses and Charges  
(1) Annual leave may be taken for any purpose.  
(2) Annual leave may be taken in units of one quarter-hour.  
(3) Only scheduled workdays shall be charged in calculating the amount of leave taken. Holidays are not charged as annual leave when they occur during a period employee is taking leave.
- (e) Payment for Annual Leave Upon Separation  
An employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of 240 hours when he/she leaves employment. Federal and State income taxes, social security tax and retirement contributions shall be deducted from annual leave payments, as required by law. In the event of an employee's death, annual leave, up to a maximum of 240 hours, will be paid to the estate. An employee transferring to an agency outside of Surry County government may request their annual leave balance, not to exceed a maximum of 240 hours, be transferred. The transfer will be completed upon receipt of confirmation of acceptance from the outside agency.
- (f) Transfer of Annual Leave  
Annual leave may be transferred within County departments but will not be accepted from agencies outside of Surry County government. Subject to the approval of the department head/elected official of both the donor and recipient and of the Assistant County Manager for Human Resources and Operations, an employee may donate **annual** leave to another employee to be used for sick leave purposes. The total maximum amount that may be donated to an employee is 500 hours with the approval of the County Manager or Assistant County Manager for Human Resources and Operations. Requests exceeding 500 hours will be presented to the Board of Commissioners for consideration. In determining the 500 hour total, leave donations will be considered within a three year period. Regular employees and regularly scheduled temporary employees shall be eligible for the donation of annual leave time to be used for sick leave purposes.

### Section 3. Sick Leave

- (a) 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 hours per month or ninety-six hours per year. A regular part-

time, probationary or trainee employee earns sick leave on a pro rata basis. However, leave earned for the current month is not available for use until the 16th of the month.

- (b) Sick Leave is a Privilege Requests for sick leave should be submitted to the employee's department head/elected official/supervisor prior to the leave and before the beginning of the scheduled workday. Routine medical appointments must be approved in advance.
- (c) Granting of Sick Leave An employee may be granted sick leave 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, illness in the employee's immediate family which requires care by the employee, or the death of a member of the employee's immediate family. The department head/ elected official shall be responsible for the application of this provision to the end that employees shall not be on duty when they might endanger their health or the health of other employees.

Immediate family shall include spouse, mother, father, guardian, children, sister, brother, niece, nephew, aunt, uncle, grandparents, grandchildren, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named.

- (d) Physician's Certificate Department heads may require a physician's certification concerning the nature of the illness and the employee's ability to perform required duties. The employee may be required to submit to medical examinations or inquiries as the department head/elected official determines necessary and as allowed by law.
- (e) Sick Leave Accumulation Sick leave shall be cumulative with no limit on the maximum accumulation.
- (f) Credit for Accumulated Sick Leave Employees who return to regular employment within five years from their date of separation shall be credited with their previously accumulated sick leave. Leave will not be reinstated for temporary employees or employees working less than 50%.
- (g) Transfer of Sick Leave Employees appointed to positions in County government from positions in other jurisdictions belonging to the:
  - (1) North Carolina Local Governmental Employees' Retirement System (2) Law Enforcement Officers' Benefit and Retirement Fund (3) North Carolina Teachers' and State Employees' Retirement System or (4) other affiliated North Carolina governmental retirement systems may request that their accumulated sick leave be transferred if the transfer occurs within twelve months of leaving the other jurisdiction. The maximum amount to be considered will be 200 hours. Approval must be made by the County Manager or Assistant County Manager for Human Resources and Operations.
- (h) Advancement of Sick Leave An employee may request advanced sick leave when their sick leave, compensatory leave, and annual leave is exhausted due to a sickness or injury. Subject to the recommendation of the department head/elected official, the County

Manager or Assistant County Manager for Human Resources and Operations may advance sick leave not to exceed the amount an employee can earn during a twelve-month 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.

- (i) Separation No employee shall be paid for accumulated sick leave at the time of termination from County service.
- (j) Sick Leave Charges Only scheduled workdays shall be charged in calculating the amount of leave taken. Holidays shall not be counted as sick leave.
- (k) Sick leave may not be donated to another employee for any reason.

#### **Section 4. Holidays**

The following days are designated holidays with pay for regular full-time employees who are in active pay status at the time the holiday occurs. Regular part-time employees shall earn pro-rated holiday leave. County Commissioners reserve the right to add or delete holidays. It is the intent of the County Commissioners that non-emergency County offices will follow the State's holiday schedule. The following holiday schedule may be modified:

|                             |                       |
|-----------------------------|-----------------------|
| New Year's Day              | Labor Day             |
| Martin Luther King, Jr. Day | Veteran's Day         |
| Easter-Good Friday          | Thanksgiving – 2 days |
| Memorial Day                | Christmas – 3 days    |
| Independence Day            |                       |

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. Department heads should attempt to arrange the work schedule so that an employee may be granted annual leave when it is requested because the day is a major religious observance for that employee.

#### **Section 5. Holidays - 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 6. Leave Without Pay Policy**

An employee may be granted a leave of absence without pay for a period not to exceed one year for reasons of personal or family illness or injury.

Upon recommendation of the supervising department head/elected official, the County Manager or designee is authorized to approve requests in duration of up to one hundred and twenty

weekdays, excluding holidays. All requests of more than one hundred and twenty weekdays, excluding holidays, must be approved by the County Commissioners.

### **Section 7. Leave Without Pay – Effect Upon Benefits**

All leave must be exhausted before leave without pay begins. An employee ceases to earn leave credits on the date leave without pay begins. Scheduled salary increments, longevity, and leave accrual dates will be adjusted accordingly. An employee absent from work due to an approved leave as allowed under the Family Medical Leave Act will continue to be eligible for benefits under the County's group insurance plans until the later of a period of up to 12 weeks or until the exhaustion of accumulated leave time, as allowed by the guidelines of the County health plan. During this time, the County will continue to make regular contributions for the County share of the insurance premium. Employee's share of contributions will continue to be paid by the employee and will be due to Human Resources by the 25<sup>th</sup> of each month. (After the later of 12 approved weeks of family medical leave or the exhaustion of accumulated leave time, insurance coverage may be continued as allowed under COBRA regulations, with the total cost being assumed by the employee.)

Any probationary employee will be subject to extension of the probationary period to appropriately evaluate satisfactory job performance. A salaried employee returning from leave without pay will be paid on an hourly basis until the total number of accumulated leave hours of annual, sick, comp, and petty reach eighty. The employee will return to salaried status on the first of the month following the accumulation of the eighty hours. The hourly rate will be equivalent to the rate paid as a salaried employee. At no time will the pay be greater, for an equivalent period of time, than the pay would have been while paid on a salaried basis.

### **Section 8. Workers' Compensation Leave**

An employee absent from duty because of sickness or disability covered by the North Carolina Worker's Compensation Act may elect to use accumulated leave during the first week of absence in order to receive pay by the County for the seven calendar day waiting period. After the seven calendar day waiting period, the employee will be placed on leave without pay, receiving only payments covered under the Workers' Compensation Act. If the absence from work is longer than 21 days, resulting in retroactive pay for the week waiting period, County compensation and leave credits will be adjusted accordingly. Upon return to work, an employee's salary will be computed on the basis of the last salary earned plus other salary increases to which the employee would have been entitled during the disability covered by Worker's Compensation. Any probationary employee, on leave without pay status because of an on the job injury, will be subject to extension of the probationary period to appropriately evaluate satisfactory job performance.

### **Section 9. Military Leave**

Employees who are members of the National Guard or Armed Forces Reserve shall be allowed fifteen scheduled workdays for military training leave with pay in one calendar year. Military leave shall not be charged against leave for which the employee may be eligible. Documentation will be required for approved military leave. Any requests of more than fifteen scheduled

workdays must be approved by the Board of County Commissioners. For extended periods of military service, the reemployment rights and benefits of USSERA will be followed.

**Section 10. Civil Leave**

A County employee called for jury duty or as a witness in any civil or criminal legal proceeding shall receive time off with pay during the required absence without charge to leave. An employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation. If the required time to be in court is less than the scheduled workday, the employee must use approved leave or return to work. Benefits shall accrue while an employee is on civil leave.

**Section 11. Petty Leave**

Each full-time regular employee shall be granted (16 hours) petty leave each year. Each part-time regular employee shall receive a prorated amount, based upon percentage of time scheduled to work. Temporary employees, whether full-time or part-time, shall not receive petty leave. Petty leave shall be credited to each employee’s account on July 1 of each year or prorated at 1 hour 20 minutes per month at hire. Any unused leave shall be cancelled on June 30 of each year. Following is an earnings schedule for regular employees who are hired after July 1 of each year.

**Petty Leave Earnings Schedule**

|                         |             |
|-------------------------|-------------|
| PFT employee on July 1  | 16.00 hours |
| PFT Hired:              |             |
| July 1-July 15          | 16.00 hours |
| July 16-August 15       | 14.75 hours |
| August 16-September 15  | 13.50 hours |
| September 16-October 15 | 12.00 hours |
| October 16-November 15  | 10.75 hours |
| November 16-December 15 | 9.50 hours  |
| December 16-January 15  | 8.00 hours  |
| January 16-February 15  | 6.75 hours  |
| February 16-March 15    | 5.50 hours  |
| March 16-April 15       | 4.00 hours  |
| April 16-May 15         | 2.75 hours  |
| May 16-June 15          | 1.50 hours  |

Employees shall reserve their petty leave for use during inclement winter weather when road conditions may cause delays in reporting to work or require an early departure from work. After April 1st, petty leave may be taken for other purposes, but only upon permission of the employee’s department head/elected official. The County Manager, in consultation with the Chairman of the Board of Commissioners, may approve additional petty leave hours be granted for regular employees as dictated by the inclement weather closings of Surry County

Government, as the closings occur. If regular employment is less than full time, the additional earnings will be prorated based on percentage of time scheduled to work.

### **Section 12. Family and Medical Leave Act.**

The County Commissioners have adopted policies to insure compliance with the Family Medical Leave Act.

## ARTICLE VII SEPARATION, DISCIPLINARY ACTION, AND REINSTATEMENT

### **Section 1. Separation from Employment**

All separations of employees from positions in the service of the County shall be designated as one of the following types: resignation, reduction in force, suspension, disability, retirement, dismissal, or death. All County property must be returned to the supervisor at separation of employment. An employee is required to work a portion of their termination day.

### **Section 2. Resignation**

Resigning personnel are asked to give a minimum of two weeks written notice. Such notice shall be given to the department head/elected official (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. "Management may identify lay-off units according to mandates, need for service, and funding priorities within a department." A "unit" for lay-off purposes will be defined as a "specific division or section" within a department. Employees who are laid off because of reduction in force shall be given at least two 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 physician. "Family and Medical Leave Act" and "Americans with Disability Act" requirements must be met before any involuntary separation due to disability.

## **Section 5. 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 6. Disciplinary Action**

An employee may be reprimanded, suspended, demoted or dismissed by the department head or 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 shall have final approval authority for all separations or terminations of employment. Transfers may be considered if it is expected that an employee's performance may improve in another area. The County Manager can authorize the transfer and associated budget adjustments.

## **Section 7. 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 receive at least two written warnings before further disciplinary action is taken. One or more written warnings must be issued by the employee's supervisor. The warnings must specify the employee's performance deficiencies and the steps required to achieve satisfactory performance. If performance still does not improve, a final written warning must be issued by the department head/elected official. A final written warning serves notice to the employee that corrective action must be taken immediately to avoid further disciplinary action. The supervisor and the department head will record the dates of their discussions with the employee, the performance deficiencies discussed, and the corrective actions recommended and file the information in the employee's personnel file. Any further disciplinary warning within an 18 month period will be considered in the disciplinary process.

The following causes relating to failure in the performance of duties are examples of those considered to be adequate grounds for reprimand, 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;

A combination of deficiencies in performance of duties and/or personal conduct can be considered in determining the extent of disciplinary action taken.

## **Section 8. Failure in Personal Conduct**

An employee may be reprimanded, suspended, demoted or dismissed for causes relating to personal conduct detrimental to County service (1) in order to avoid undue disruption at the workplace, (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 reprimand, 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 drugs or taking such while on duty or while on public property, except that medication prescribed to the employee may be taken within the limits set by a physician so long as medically necessary.
- (f) insubordination

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

## **Section 9. Disciplinary Suspension**

An employee who is suspended for disciplinary reasons shall be relieved temporarily of all duties and responsibilities and may, at the option of the department head or County Manager, receive no compensation for the period of suspension.

## **Section 10. Immediate Disciplinary Suspension**

An employee may be suspended without notice by the department head or County Manager for causes related to failure in the performance of duties, personal conduct, or for other serious reasons. When a department head or the County Manager suspends an employee, he/she shall tell the employee to leave County property at once and remain away until further notice. A written summary outlining the facts leading to the suspension shall be prepared; one copy shall be delivered to the employee by restricted certified mail, one copy shall be filed in the employee’s personnel file, and one copy given to the County Manager, if written by the department head. If the officials listed are not available, their designee may perform the necessary action, as required.

## **Section 11. 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, with or without pay, for the duration of the proceeding 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 12. Dismissal**

All dismissals shall be preceded by an automatic suspension of up to three days, with or without pay, pending review by the County Manager. If the County Manager determines that the dismissal is appropriate, such dismissal shall be effective at the end of the suspension. The County Manager shall consult with the Personnel Officer and the County Attorney prior to finalizing a department head dismissal.

### **Section 13. Reinstatement**

An employee who resigns in good standing or is terminated because of reduction in force may be reinstated within one year of the date of separation, with the approval of the department head and 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 returning to the same classification 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. Anyone returning to work as a reinstatement and in the merit cycle, and having missed a regularly scheduled merit, will have the time away from work counted off in determining the new merit date. Future dates will tie to the original hire date.

## 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 Procedure - Steps**

When an employee has a claim or complaint concerning the condition of his/her employment with the County, the following successive steps are to be taken: The number of days indicated at each step should be considered the maximum number of working days unless provided for otherwise and every effort should be made to expedite the process.

Step One. The employee with a grievance shall present the matter in writing to his/her department head within thirty days of its occurrence or within thirty days of the time the employee learns of its occurrence, with the objective of resolving the matter informally. The department head shall give the employee an answer within five working days.

Step Two. If the grievance is not resolved to the satisfaction of the employee, he /she may request within ten 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 provide an answer in writing within ten working days. The decision of the County Manager ends the formal hearing process except for employees subject to the State Personnel Act.

## **Section 3. Appeal of Disciplinary or Discriminatory Action**

Any employee who is demoted, suspended, dismissed, receives a reduction in pay, transferred, or alleges discrimination may appeal directly to the County Manager in writing within ten working days of the occurrence or the date as documented on the certified mail return receipt. The County Manager shall review the grievance within ten working days and render a decision within ten working days after the review.

## **Section 4. 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 the 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 5. Back Pay Awards**

Employees who successfully appeal a grievance may be reinstated with back pay and benefits, if applicable.

# ARTICLE IX EMPLOYEE BENEFITS

## **Section 1. Insurance Benefits**

The County has 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. An employee resigning due to retirement may continue on the County group health insurance plan if the following guidelines are met:

### **RETIREES' INSURANCE POLICY**

The Retiree's insurance plan was abolished for individuals employed after June 16, 2008. All individuals employed on or before June 16, 2008, whether in regular full-time, regular part-time, or temporary status, will be grandfathered and will remain eligible for the benefit as outlined in the policy guidelines, unless terminated prior to meeting eligibility requirements. If an employee in regular full-time or regular part-time status on June 16, 2008 resigns or is terminated from regular status but remains in temporary status, the termination from regular employment disqualifies the employee for future retiree insurance eligibility. If a terminated employee returns to employment with Surry County, the benefit will not be available.

A. Eligibility guidelines for individual hired on or before June 16, 2008 are:

1. Full-time employee with Surry County
2. Employee who will leave Surry County for retirement
3. Fifty-five years old with a minimum of twenty (20) years service with County of Surry
4. Any age with a combined local government employee service of thirty (30) years with at least twenty (20) years service with Surry County
5. Employees and their dependents will be eligible for coverage
6. Dependent of an eligible employee will be eligible for coverage provided they have been covered under the eligible employee's certificate with Surry County employees for a period of 12 months or longer prior to retirement of the Surry County employee
7. Surry County will contribute a minimum of 50% of the employee coverage cost with no contribution requirement for the dependent coverage
8. Employees that retire prior to age 65 will be eligible for this employer sponsored health benefit retirement plan with eligibility extending to attainment of age 65
9. Upon attainment of age 65, a retired employee may elect to convert to the BCBSNC Medicare Supplement Plan 12 provided that plan is offered by BCBSNC

B. Non-eligible:

An employee who leaves Surry County employment but goes to work with another company that offers health insurance in their benefit package.

### **Section 2. Retirement Benefits**

The County is a member of the NC Local Governmental Employees' Retirement System. All eligible employees are required to be members.

### **Section 3. Workers' Compensation Benefits**

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

### **Section 4. Reimbursement for Training Expense**

When an employee enters into a job-related training program, he/she may 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/elected officials may authorize payment up to five hundred dollars to include advance payment when necessary. Payments above five hundred dollars must have prior approval of the County Manager and Board of Commissioners. The County Manager may approve department head recommendations for a one-step pay increase to an employee upon successful completion of educational attainment.

## ARTICLE X PERSONNEL RECORDS AND REPORTS

### **Section 1. Personnel Records Maintenance**

County personnel records are maintained 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/her personnel file may place a statement in the file relating to the material considered 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, ordinances or resolutions that conflict with the provisions of this ordinance are hereby repealed. This Ordinance supersedes all other Personnel Ordinances and amendments upon adoption.

### **Section 2. Disclaimer**

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

**Section 3. Violations of Ordinance Provisions**

An employee violating any of the provisions of this ordinance shall be subject to reprimand, 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 Ordinance shall become effective upon adoption.

Adopted by BOCC September 19, 2016.